

**Please note: These transcripts are not individually reviewed and approved for accuracy.**

BEFORE THE  
CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD PERMITTING AND  
ENFORCEMENT COMMITTEE

IN THE MATTER OF THE: )  
 )  
PERMITTING AND ENFORCEMENT )  
COMMITTEE MEETING )  
\_\_\_\_\_ )

DATE AND TIME: WEDNESDAY, DECEMBER 11, 1996  
9:30 A.M.

PLACE: BOARD HEARING ROOM  
8800 CAL CENTER DRIVE SACRAMENTO, CALIFORNIA

REPORTER: BETH C. DRAIN, RPR, CSR  
CERTIFICATE NO. 7152

BRS FILE NO. : 36474

APPEARANCES

MR. ROBERT C. FRAZEE, CHAIRMAN MR. DANIEL G. PENNINGTON, MEMBER  
MR. PAUL RELIS, MEMBER

STAFF PRESENT

MR. RALPH CHANDLER, CHIEF EXECUTIVE OFFICER MS.  
KATHRYN TOBIAS, LEGAL COUNSEL  
MS. DONNELL DUCLO, COMMITTEE SECRETARY

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ITEM 5: CONSIDERATION OF CONCURRENCE IN THE  
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1

2

SACRAMENTO, CALIFORNIA

3

WEDNESDAY DECEMBER 11, 1996

4

9:30 A.M.

5

6

CHAIRMAN FRAZEE: THE MEETING WILL COME

7

TO ORDER, PLEASE. THIS IS THE DECEMBER MEETING OF

8

THE PERMITTING AND ENFORCEMENT COMMITTEE OF THE

9

INTEGRATED WASTE MANAGEMENT BOARD. THE SECRETARY

10

WILL CALL THE ROLL.

11

THE SECRETARY: MEMBER RELIS.

12

MEMBER RELIS: HERE.

13

THE SECRETARY: PENNINGTON.

14

MEMBER PENNINGTON: HERE.

15

THE SECRETARY: CHAIRMAN FRAZEE.

16

CHAIRMAN FRAZEE: HERE. ALL MEMBERS ARE

17

PRESENT.

18

WE HAVE A NUMBER OF ANNOUNCEMENTS

19

THIS MORNING BEFORE WE GO INTO THE AGENDA. FIRST

20

OF ALL, LET ME INTRODUCE MY NEW AND REORGANIZED

21

STAFF FOR THIS COMMITTEE. JONATHAN CLAY, WHO

WILL

22

BE IN THE POSITION OF COMMITTEE ANALYST, AND A

23

FAMILIAR FACE, JULI POLANCO IS BACK WITH US NOW

AS

24       ADVISOR TO MYSELF AND TO THE COMMITTEE.   I WANT  
TO  
25       WELCOME BOTH OF YOU.   ALL I NEED NOW IS A

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1 SECRETARY, AND WE'LL BE BACK IN BUSINESS. WANT  
TO

2 THANK DONNELL FOR FILLING IN FOR US THIS MORNING.

3 JUST THE USUAL REMINDER. IF YOU  
4 WISH TO ADDRESS THE COMMITTEE ON ANY ITEM THAT'S  
5 ON THE AGENDA, THERE ARE SPEAKER SLIPS IN THE  
6 BACK. FILL THOSE OUT AND BRING THEM FORWARD TO  
7 THE COMMITTEE SECRETARY SO THAT WE WILL CALL ON  
8 YOU AT THE APPROPRIATE TIME.

9 NEXT ANY EX PARTE COMMUNICATIONS  
10 THAT NEED TO BE REPORTED? MR. RELIS.

11 MEMBER RELIS: NO.

12 CHAIRMAN FRAZEE: MR. PENNINGTON.

13 MEMBER PENNINGTON: NO, MR. CHAIRMAN, I  
14 THINK I GOT ALL OF THEM CLEARED UP YESTERDAY.

15 CHAIRMAN FRAZEE: LET ME JUST GO THROUGH  
16 A FEW ITEMS. THE MEETINGS THAT I HAD THIS  
MORNING

17 HAVE ALREADY BEEN RECORDED IN OUR RECORDING  
SYSTEM

18 UPSTAIRS. THERE WERE A NUMBER OF LETTERS DROPPED  
19 HERE THIS MORNING ON THIS AGENDA -- LET ME --  
THAT

20 MAY OR MAY NOT HAVE BEEN RECORDED IN OUR  
21 INDIVIDUAL RECORDS.

22                           THERE IS A LETTER FROM MILLER, KARP  
23       & GRATTAN, ATTORNEYS, REPRESENTING THOSE  
24       INTERESTED IN THE ASH REGULATIONS THAT ARE UP  
25       BEFORE THE BOARD TODAY.   AND THE ENTITIES





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1        THAT YOU DIDN'T GET?    THAT ONE WAS MAILED IN.    YOU  
2        MAY HAVE THAT ALREADY IN YOUR FILE.

3                    THEN -- YES.    WE HAVE NOT.    HERE IS  
4        ANOTHER LETTER FROM THE CALIFORNIA FARM BUREAU  
5        FEDERATION ON THE TWO ITEMS REGARDING ASH  
6        REGULATIONS.    AND THIS IS THE FOOD AND AG.    THIS  
7        DOESN'T HAVE -- A LETTER FROM A. J. YATES,  
8        UNDERSECRETARY OF THE DEPARTMENT OF FOOD AND  
9        AGRICULTURE, ON THE ASH ITEM ALSO.    I DID RECORD  
10       THAT IN MY PERSONAL ONE.    LET'S NOTE IT FOR THE  
11       RECORD.

12                   MEMBER RELIS:    YES, LET'S NOTE IT BECAUSE  
13       IT CAME IN LATE AND I HAVEN'T PUT IT IN MY FILE.

14                   CHAIRMAN FRAZEE:    OKAY.    THAT'S ALL OF  
15       THOSE.

16                   THE NEXT ITEM ON OUR AGENDA IS THE  
17       CONSENT CALENDAR.    WE HAVE TWO ITEMS ON CONSENT;  
18       HOWEVER, WE HAVE A REQUEST TO SPEAK ON ONE OF  
19       THOSE.    AND SO WE'LL PULL THAT ONE OFF.    THAT'S ON  
20       ITEM 1(A), AND SO WE'LL REMAIN WITH THE CONSENT  
21       CALENDAR WITH JUST ITEM (1)(B).    IF THERE'S NO --

22                   MEMBER PENNINGTON:    MR. CHAIRMAN, I'LL  
23       MOVE ADOPTION OF CONSENT CALENDAR ITEM (1)(B).

24                   MEMBER RELIS:    SECOND.

25                   CHAIRMAN FRAZEE:    WE HAVE A MOTION  
AND





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1 SECOND ON ADOPTION OF THE CONSENT CALENDAR.

2 SECRETARY WILL CALL THE ROLL ON THAT.

3 THE SECRETARY: MEMBER PENNINGTON.

4 MEMBER PENNINGTON: AYE.

5 THE SECRETARY: MEMBER RELIS.

6 MEMBER RELIS: AYE.

7 THE SECRETARY: CHAIRMAN FRAZEE.

8 CHAIRMAN FRAZEE: AYE. MOTION IS

9 CARRIED. THAT ITEM, WITHOUT OBJECTION, WILL MOVE  
10 TO THE BOARD'S CONSENT AGENDA AT THE REGULAR BOARD  
11 MEETING.

12 NOW ON ITEM 1(A), WHICH IS  
13 CONSIDERATION OF CONCURRENCE IN THE ISSUANCE OF A  
14 REVISED SOLID WASTE FACILITIES PERMIT FOR THE  
15 CENTRAL PROCESSING FACILITY IN CONTRA COSTA  
16 COUNTY, WE HAVE A BRIEF REPORT AND THEN WE'LL HEAR  
17 FROM MRS. GUIDOTTI.

18 MS. RICE: BEATRICE POROLI WILL PRESENT A  
19 BRIEF PRESENTATION.

20 MS. POROLI: GOOD MORNING. THE PROPOSED  
21 PROJECT IS TO EXPAND THE OPERATIONS OF AN EXISTING  
22 LARGE VOLUME TRANSFER STATION. THE PERMIT WILL  
23 INCORPORATE INTO THE OPERATIONS OF THE TRANSFER  
24 STATION THE MATERIAL RECOVERY FACILITY. THE  
25 PERMITTED TONNAGE AND HOURS OF OPERATIONS WILL NOT



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1 CHANGE. ALL THE REQUIRED FINDINGS HAVE BEEN MADE.

2 STAFF RECOMMEND CONCURRENCE ON THE  
3 ISSUANCE OF THIS PERMIT.

4 CHAIRMAN FRAZEE: MRS. JUNE GUIDOTTI HAS  
5 REQUESTED TO SPEAK ON THIS ITEM.

6 MS. GUIDOTTI: THANK YOU FOR HEARING ME.  
7 JUNE GUIDOTTI, 3702 SKELLY ROAD, SUISUN,  
8 CALIFORNIA.

9 MY CONCERN ON THIS IS THAT THIS  
10 CONTRA COSTA IS INTERTWINED WITH THE NO. 3, OKAY,  
11 AND THAT'S MY CONCERN. AND I FEEL THAT IT SHOULD  
12 BE HEARD EVEN AFTER NO. 3 BECAUSE I AM ASKING THAT  
13 THE COUNTY GO BACK TO THE GENERAL PLAN. AND I  
14 FEEL THAT IT'S INTERTWINED, AND IT CONCERNS ME  
15 BECAUSE OF THE ONGOING PROBLEMS THAT I HAVE.  
16 THANK YOU.

17 CHAIRMAN FRAZEE: ON THIS ITEM MY  
18 UNDERSTANDING IS THAT IT'S THE INTENT OF THE  
19 OPERATORS IN THIS CASE IN OPERATING THE TRANSFER  
20 STATION THAT ONCE THE NEARBY LANDFILL CLOSES,  
THAT

21 IT'S THEIR INTENT TO TAKE WASTE TO THE LANDFILL  
22 THAT'S THE SUBJECT OF ITEM 3. HOWEVER, THERE'S  
NO  
23 TIE IN THE PERMITS, I DON'T BELIEVE, BETWEEN

THOSE

24 TWO. AND THE PERMIT FOR THE TRANSFER STATION  
25 STANDS ALONE, BUT WE'LL CERTAINLY HEAR FROM YOU  
ON

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1        THAT PART OF THE ITEM.

2                MS. GUIDOTTI:    SO WHAT YOU ARE SAYING IS  
3        THAT IF NO. 3 IS STOPPED, THEN THEY WOULDN'T BE  
4        ABLE TO BRING IT IN ANYHOW.

5                CHAIRMAN FRAZEE:    RIGHT.

6                MS. GUIDOTTI:    CORRECT.    THANK YOU.    I  
7        WANTED TO CLARIFY THAT.

8                CHAIRMAN FRAZEE:    ANY OTHER INFORMATION  
9        ON THAT ITEM?    MOTION ON --

10               MEMBER PENNINGTON:    I'LL MOVE THAT WE  
11        CONCUR WITH STAFF RECOMMENDATION.

12               MEMBER RELIS:    I'LL SECOND.

13               CHAIRMAN FRAZEE:    WE HAVE A MOTION AND  
14        SECOND ON THE APPROVAL OF THE ISSUANCE OF A  
15        REVISED SOLID WASTE FACILITY PERMIT FOR THE  
16        CENTRAL PROCESSING FACILITY IN CONTRA COSTA  
17        COUNTY.    IF THERE IS NO OBJECTION, WE'LL  
18        SUBSTITUTE THE PREVIOUS ROLL CALL ON THAT ITEM AND  
19        THE MOTION IS PASSED.    IF THERE'S NO OBJECTION,  
20        WE'LL RECOMMEND THAT FOR CONSENT AT THE REGULAR  
21        BOARD MEETING.

22               NOW WE'RE READY TO MOVE TO ITEM 2.  
23        THIS IS THE CONSIDERATION OF CONCURRENCE IN THE  
24        ISSUANCE OF A REVISED SOLID WASTE FACILITY PERMIT  
25        FOR THE MILLIKEN SANITARY LANDFILL IN SAN



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1       BERNARDINO COUNTY.

2                   MS. RICE:   SUZANNE HAMBLETON WILL PRESENT  
3       THIS ITEM FOR STAFF.   I'D ALSO LIKE TO TAKE THIS  
4       OPPORTUNITY TO WISH SUZANNE A HAPPY BIRTHDAY  
5       TODAY.

6                   MS. HAMBLETON:   THANK YOU, DOROTHY.   I'M  
7       PRESENTING THIS ON BEHALF OF GEORGIANNE TURNER,  
8       WHO CANNOT BE HERE TODAY.

9                   FOR THE RECORD, I'D LIKE TO POINT  
10      OUT A COUPLE CORRECTIONS TO THE AGENDA ITEM.   ON  
11      PAGE 27, THE CORRECT PROPOSED VOLUMETRIC CAPACITY  
12      IS 24.8 MILLION CUBIC YARDS.   AND PAGE 28, LINE 2,  
13      THE SAME THING, THE TOTAL CAPACITY IS 24.8 MILLION  
14      CUBIC YARDS.   AND ALSO ON PAGE 30, THE THIRD LINE  
15      FROM THE BOTTOM, THE PEAK WAS 3500 TONS PER DAY  
16      INSTEAD OF 3200, ANALYZING THE INITIAL MITIGATED  
17      NEG DEC.

18                   ALSO, YOU HAVE RECEIVED THE LATEST  
19      COPY OF THE PERMIT, AND THERE ARE ADDITIONAL  
20      COPIES ON THE BACK TABLE.   THE OPERATOR, THE  
21      COUNTY OF SAN BERNARDINO, IS REQUESTING A  
22      REVISION

23      TO THEIR SOLID WASTE FACILITY PERMIT TO INCREASE  
24      DAILY TONNAGE, ACREAGE, SITE CAPACITY AND SITE  
25      LIFE, TO INCREASE THE ELEVATION, INCREASE THE

SITE

25 PERSONNEL AND EQUIPMENT, AND INCREASE TRAFFIC



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1 VOLUME.

2 ADDITIONAL CHANGES INCLUDE A CHANGE  
3 IN HOURS AND ADDITION OF ENVIRONMENTAL MONITORING  
4 AND RECYCLING SYS- -- EXCUSE ME -- AN ADDITION OF  
5 ENVIRONMENTAL MONITORING SYSTEM AND RECYCLING  
6 ACTIVITIES.

7 AT THE TIME THE ITEM WAS PREPARED,  
8 FINDINGS OF CONFORMANCE WITH THE COUNTY SOLID  
9 WASTE MANAGEMENT PLAN AND CONSISTENCY WITH THE  
10 GENERAL PLAN WERE NOT MADE. ADDITIONALLY,  
11 DECISIONS MADE AT THE LOCAL LEVEL CHANGED THE  
12 ESTIMATED CLOSURE DATE, AND STAFF HAD TO REVIEW  
13 ADDITIONAL DOCUMENTS.

14 STAFF HAVE REVIEWED THE INFORMATION  
15 SUBMITTED AND DETERMINED ALL THE NECESSARY  
16 FINDINGS FOR CONCURRING IN THE REVISION OF THE  
17 PERMIT. THIS FACILITY IS IN CONFORMANCE WITH THE  
18 COUNTY SOLID WASTE MANAGEMENT PLAN AND THE CITY OF  
19 ONTARIO'S GENERAL PLAN AND IS COMPATIBLE WITH  
20 SURROUNDING LAND USES. COMPLIANCE WITH THE  
21 CALIFORNIA ENVIRONMENTAL QUALITY ACT IS

ADEQUATE

22 FOR THE BOARD'S EVALUATION OF THE PROPOSED  
23 PROJECT.

24 BOARD STAFF CONDUCTED A PREPERMIT  
25 INSPECTION OF THE FACILITY ON NOVEMBER 15,

1996,

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1       IN CONJUNCTION WITH STAFF OF THE SAN BERNARDINO  
2       LEA'S OFFICE. THE FACILITY WAS EVALUATED FOR  
3       COMPLIANCE WITH THE APPLICABLE SECTIONS OF THE  
4       PUBLIC RESOURCES CODE AND TITLE 14 CALIFORNIA CODE  
5       OF REGULATIONS, STATE MINIMUM STANDARDS FOR SOLID  
6       WASTE HANDLING AND DISPOSAL. TWO VIOLATIONS OF  
7       THE PUBLIC RESOURCES CODE WERE NOTED DURING THE  
8       INSPECTION, SECTION 44004, SIGNIFICANT CHANGE, AND  
9       SECTION 44014(B), SOLID WASTE FACILITIES TERMS AND  
10      CONDITIONS. THESE VIOLATIONS WILL BE CORRECTED BY  
11      THE ISSUANCE OF THE PERMIT. NO STATE MINIMUM  
12      STANDARD VIOLATIONS WERE NOTED DURING THIS  
13      INSPECTION.

14                   I'D LIKE TO POINT OUT THAT A NOTICE  
15      OF INTENT TO LIST ON THE INVENTORY, OTHERWISE  
16      KNOWN AS AN NOI, WAS SENT BY BOARD STAFF ON APRIL  
17      18, 1996, FOR AIRPORT SAFETY AND FOR NOT HAVING  
18      UPDATED REPORT OF DISPOSAL SITE INFORMATION. BOTH  
19      OF THESE VIOLATIONS HAVE BEEN CORRECTED, AND THE  
20      NOTICE OF INTENT RESCISSION LETTER WAS SENT ON  
21      JULY 26, 1996.

22                   DURING THE PAST THREE INSPECTIONS BY  
23      BOARD STAFF, NO VIOLATIONS FOR EXCESSIVE BIRDS  
24      HAVE BEEN NOTED. A BIRD STUDY HAS BEEN -- A BIRD  
25      STUDY HAD BEEN PERFORMED IN THE LATE '70S AND



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1 CONCLUDED THAT THERE WERE NO PROBLEMS, BUT  
2 OPERATIONS AND CHANGE AT THE SITE AND A NEW STUDY  
3 WAS REQUIRED AND HAS BEEN SINCE COMPLETED,  
4 CORRECTING THE VIOLATION.

5 ADDITIONALLY, IN THE PAST THERE HAVE  
6 BEEN GAS VIOLATIONS AT THE SITE DUE TO VARIOUS  
7 CONSTRUCTION PROJECTS OF THE LANDFILL AND AREAS OF  
8 THE GAS EXTRACTION WELLS HAD BEEN DISCONNECTED.  
9 THE SYSTEM IS CURRENTLY RECONNECTED AND LEVELS OF  
10 GAS HAVE BEEN BROUGHT BACK DOWN. A NOTICE OF  
11 INTENT WAS SENT BY BOARD STAFF ON SEPTEMBER 3,  
12 1996, FOR THE GAS VIOLATION, BUT IT WAS RESCINDED  
13 ON DECEMBER 2, 1996. GAS MONITORING BY BOARD  
14 STAFF DURING THE PAST THREE INSPECTIONS AT THE  
15 SITE DID NOT DETECT GAS LEVELS ABOVE THE  
16 REGULATORY LEVELS.

17 IN CONCLUSION, BOARD STAFF RECOMMEND  
18 THE BOARD ADOPT DECISION NO. 96-507, CONCURRING IN  
19 THE ISSUANCE OF SOLID WASTE FACILITY PERMIT NO.  
20 36-AA-0054.

21 PAT GALLAGHER AND JIM TRUJILLO  
22 REPRESENTING THE SAN BERNARDINO LEA, AND PAUL  
23 GLASS, REPRESENTING THE OPERATOR, AND GARY HEICH  
24 (PHONETIC), REPRESENTING THE CONTRACT OPERATOR,  
25 NORCAL, ARE ALSO PRESENT TO ANSWER ANY QUESTIONS



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1       YOU MAY HAVE.

2               CHAIRMAN FRAZEE:   ANY QUESTIONS?

3               MEMBER RELIS:   MR. CHAIR, I HAVE A

4       QUESTION.   I'M LOOKING AT THE PERMIT, AND I'M

5       TRYING TO FIND THE DISCUSSION, IF THERE IS ANY, ON

6       THE DUST CONTROL AND THE MATERIAL RECOVERY

7       FACILITY.   IS THERE ANY PROVISION FOR DUST

8       CONTROL?   IT'S SOMETHING I USUALLY BRING UP.   I

9       REALIZE I HAVEN'T.   PERHAPS THE OPERATOR OR THE

10      LEA.

11              MS. HAMBLETON:   YEAH, THAT WOULD BE

12      HELPFUL.   I'M NOT SURE.

13              MS. GALLAGHER:   EXCUSE ME.   I'M PAT

14      GALLAGHER WITH THE LEA.   DUST CONTROL IS HANDLED

15      THROUGH A WATER TRUCK ON THE FACILITY.   THERE IS

16      NO MRF ON THE FACILITY.   THERE IS A SMALL AMOUNT

17      OF RECYCLING, WHICH IS COLLECTION OF WASTE TIRES

18      AND SOME METAL DISCARDS, ETC., BUT THERE IS NO

19      ACTUAL MRF ON THE PROPERTY.

20              MEMBER RELIS:   OKAY.   IN THE -- OKAY.

21      ALL RIGHT.   OKAY.   NEVER MIND.   SORRY.

22              CHAIRMAN FRAZEE:   THANK YOU.   ANY

23      QUESTIONS?   DISCUSSION?

24                      MY UNDERSTANDING OF THIS PERMIT IS

25      IT CLEANS UP A NUMBER OF PROBLEMS, BUT ALSO IT'S





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1 FOR A RATHER SHORT TERM IN THAT THE DECISION BY  
2 THE COUNTY AND BY THE CITY OF ONTARIO IS TO CLOSE  
3 THIS LANDFILL WITHIN THE NEXT YEAR.

4 MS. HAMBLETON: YES. AND THERE IS A  
5 PERMIT CONDITION NO. 31 THAT ADDRESSES THAT.

6 MEMBER RELIS: I DID HAVE ONE OTHER  
7 POINT. THIS IS CONCERNING THE -- I DO NOTE, ALONG  
8 WITH WHAT THE CHAIRMAN SAID, WE HAD RECEIVED IN  
9 '94 A WRITEUP ON MILLIKEN FROM THE NRDC, NATURAL  
10 RESOURCES DEFENSE COUNCIL, CONCERNING SOME MATTERS  
11 THAT THEY RAISED OVER LANDFILL GAS AT THE  
12 FACILITY, WHICH I UNDERSTAND WE NOW HAVE NO  
13 DETECTION OF GAS IN THE AIR.

14 THEY REFERENCED PROBLEMS RELATED TO  
15 INADEQUATE GRADING OF FILL SURFACES, INEFFECTIVE  
16 SPREADING AND COMPACTING OF WASTE, AND  
17 INSUFFICIENT LANDFILL COVER. I UNDERSTAND THOSE  
18 MATTERS ARE ADDRESSED THROUGH THE MEASURES TAKEN  
19 ON EROSION CONTROL AND DRAINAGE AROUND THE SITE.

20 MS. HAMBLETON: THEY HAVE IMPROVED IN  
21 THOSE AREAS. AND ALSO, I WANTED TO POINT OUT  
22 THAT

23 THE PREPERMIT INSPECTION DID NOT NOTE ANY  
24 VIOLATIONS OF STATE MINIMUM STANDARDS. AND THAT  
25 THE SPECIFIC ALLEGATIONS IN THE LETTER THAT I  
HAVE, I THINK ON PAGE 10 AND 11, WILL ALL BE

TAKEN

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1 CARE OF BY THE ISSUANCE OF THIS PERMIT EXCEPT FOR  
2 GAS. AND THAT I'VE ALREADY ADDRESSED IN MY  
3 REPORT, AND I CAN ADD ANYTHING IF YOU HAVE MORE  
4 QUESTIONS.

5 MEMBER RELIS: I JUST WANTED TO RESPOND  
6 TO CONCERNS THAT HAD BEEN RAISED IN THIS EARLIER  
7 ONE. AND BY ISSUING THIS PERMIT, WE WOULD  
ADDRESS

8 THOSE CONCERNS.

9 MS. HAMBLETON: THAT'S CORRECT.

10 MEMBER RELIS: OKAY. THANK YOU.

11 CHAIRMAN FRAZEE: ANYTHING ELSE?  
IF NOT,

12 WE HAVE A NEW RESOLUTION AS PART OF THE  
HANDOUTS

13 HERE, ATTACHMENT 5. MOTION WOULD BE IN  
ORDER ON

14 THAT.

15 MEMBER RELIS: MR. CHAIR, I WILL  
MOVE

16 CONCURRENCE.

17 CHAIRMAN FRAZEE: OKAY.

18 MEMBER PENNINGTON: I'LL SECOND.

19 CHAIRMAN FRAZEE: MOVED AND  
SECONDED TO

20        ADOPT PERMIT DECISION 96-507.    SECRETARY  
WILL CALL

21        THE ROLL ON THAT.

22                THE SECRETARY:    MEMBER  
PENNINGTON.

23                MEMBER PENNINGTON:    AYE.

24                THE SECRETARY:    MEMBER RELIS.

25                MEMBER RELIS:    AYE.

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1 THE SECRETARY: CHAIRMAN FRAZEE.

2 CHAIRMAN FRAZEE: AYE. MOTION IS  
3 CARRIED. IS THERE ANY OBJECTION TO RECOMMENDING  
4 CONSENT ON THAT ITEM?

5 MEMBER PENNINGTON: NO.

6 CHAIRMAN FRAZEE: IF NOT, WE WILL DO  
7 THAT.

8 NOW WE ARE READY FOR ITEM 3. THIS  
9 IS THE CONSIDERATION OF A REVISED SOLID WASTE  
10 FACILITIES PERMIT FOR THE POTRERO HILLS LANDFILL  
11 IN SOLANO COUNTY. STAFF REPORT.

12 MS. RICE: RUSS KANZ WILL MAKE THIS  
13 PRESENTATION FOR STAFF.

14 MR. KANZ: GOOD MORNING. THE POTRERO  
15 HILLS LANDFILL INCORPORATED, THE OWNER AND  
16 OPERATOR OF THE POTRERO HILLS LANDFILL, HAS  
17 REQUESTED A REVISION TO THEIR SOLID WASTE  
18 FACILITIES PERMIT TO ALLOW THE FOLLOWING: AN  
19 INCREASE IN TONNAGE FROM 2500 TONS PER DAY TO A  
20 MAXIMUM OF 3,400 TONS PER DAY AVERAGED OVER A  
21 SEVEN-DAY WEEK WITH A DAILY MAXIMUM OF 4,330  
TONS

22 PER DAY; AN INCREASE IN THE AMOUNT OF SEWAGE  
23 SLUDGE THAN CAN BE ACCEPTED FROM AN AVERAGE OF

24 TONS PER DAY ON A WEEKLY AVERAGE TO AN AVERAGE  
OF  
25 250 TONS PER DAY AVERAGED OVER A SEVEN-DAY WEEK;

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1 AN INCREASE IN HOURS OF OPERATION FROM 6 A.M. TO  
2 4:30 P.M. SEVEN DAYS PER WEEK TO MONDAY THROUGH  
3 FRIDAY FROM 8:30 A.M. TO 4:30 P.M.; SATURDAY FROM  
4 8:30 A.M. TO 4 P.M.; SUNDAY FROM 9 A.M. TO 4 P.M.  
5 FOR THE PUBLIC; AND 4 A.M. TO 1 A.M. FOR  
6 ACCEPTANCE OF COMMERCIAL WASTE AND LANDFILL  
7 OPERATIONS, THE GRINDING OF WOODWASTE ON-SITE, AND  
8 ELIMINATION OF THE WEEKLY REMOVAL REQUIREMENT, AN  
9 INCREASE IN THE AMOUNT OF CONCRETE THAT CAN BE  
10 STOCKPILED FROM 15,000 TONS TO 60,000 TONS,  
11 ELIMINATION OF THE REQUIREMENT THAT ASPHALT BE  
12 PROCESSED EVERY TWO WEEKS, A CHANGE IN THE DESIGN  
13 OF THE PUBLIC DISPOSAL AREA TO STREAMLINE WASTE  
14 HANDLING, PROVIDE FOR ADDITIONAL RECYCLING, AND TO  
15 ALLOW THE STORAGE OF VEHICLE BATTERIES.

16 THE LEA AND BOARD STAFF HAVE  
17 DETERMINED THAT THE FACILITY IS FOUND IN THE  
18 SOLANO COUNTY SOLID WASTE MANAGEMENT PLAN, THAT  
19 THE PROJECT IS CONSISTENT WITH THE SOLANO COUNTY  
20 GENERAL PLAN, THE PROJECT IS CONSISTENT WITH THE  
21 WASTE DIVERSION GOALS OF AB 939, AND CEQA HAS BEEN  
22 COMPLIED WITH.

23 AS STATED IN THE AGENDA ITEM, WHEN  
24 THE PERMIT WAS SUBMITTED AND WHEN THE ITEM WAS  
25 PREPARED, THE LAND USE PERMIT HAD NOT BEEN  
ISSUED





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1 BY SOLANO COUNTY. AS OF 8:30 THIS MORNING, THE  
2 LAND USE PERMIT WAS SIGNED AND HAS BEEN ISSUED.  
3 THEREFORE, WE ARE RECOMMENDING THAT THE BOARD  
4 ADOPT SOLID WASTE FACILITY PERMIT DECISION NO.  
5 96-509, CONCURRING IN THE ISSUANCE OF SOLID WASTE  
6 FACILITIES PERMIT NO. 48-AA-0075.

7 LARRY BURCH WITH POTRERO HILLS  
8 LANDFILL IS PRESENT, AND KEVIN CULLEN,  
9 REPRESENTING SOLANO COUNTY LEA IS PRESENT. AND  
10 I'D JUST LIKE TO TAKE A MINUTE AND THANK KEVIN FOR  
11 ALL HIS HARD WORK ON THIS. I KNOW HE WAS RUNNING  
12 AROUND THIS MORNING TRYING TO GET THINGS SIGNED,  
13 AND IT'S BEEN A PLEASURE WORKING WITH HIM ON THIS  
14 PROJECT. AND HE SHOULD BE CONGRATULATED BECAUSE  
15 HE'S A NEW FATHER.

16 CHAIRMAN FRAZEE: ANY QUESTIONS? WE HAVE  
17 A REQUEST FROM JUNE GUIDOTTI TO SPEAK ON THIS  
18 ITEM.

19 MS. GUIDOTTI: JUNE GUIDOTTI. THANK YOU  
20 FOR LETTING ME SPEAK AGAIN.

21 I'M ASKING THAT YOU DENY THE PERMIT  
22 TODAY THAT IS SET FORTH UNTIL THE COUNTY AND THE  
23 LANDFILL HAS MADE SOME ADJUSTMENTS. A QUESTION  
24 THAT I HAVE THAT WAS JUST STATED, THE 4 P.M. TO 1  
25 P.M. WAS TO BRING WHAT IN? COULD HE ANSWER THE



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1 QUESTION?

2 CHAIRMAN FRAZEE: YES.

3 MR. KANZ: THE 4 A.M. TO 1 A.M. IS FOR  
4 ACCEPTANCE OF COMMERCIAL WASTE AND FOR OPERATIONS.

5 MS. GUIDOTTI: SO THAT'S A.M., FOUR IN  
6 THE AFTERNOON TO ONE IN THE MORNING?

7 MR. KANZ: NO. THIS GETS CONFUSING.  
8 IT'S ACTUALLY -- I MIGHT HAVE TO GET KEVIN OR  
9 LARRY TO HELP ME ON THIS. BASICALLY THE  
10 OPERATIONS ARE 4 A.M. TILL 1 A.M. THE NEXT DAY.

11 MS. GUIDOTTI: ALL RIGHT. SO IT'S STILL  
12 DURING NIGHTTIME?

13 MR. KANZ: RIGHT. I BELIEVE THE SITE  
14 WILL ONLY BE CLOSED BETWEEN 1 A.M. AND 4 A.M.  
15 THAT'S THE ONLY HOURS IT'S CLOSED. IT WILL BE  
16 OPEN ALL OTHER TIMES.

17 MS. GUIDOTTI: OKAY. I WOULD OBJECT TO  
18 ANY NIGHTTIME DELIVERIES BECAUSE OF THE WILDLIFE  
19 AND WHAT IT DOES TO THE MARSH.

20 ALSO, YOU STATED BATTERIES. IN THE  
21 MARSH DEVELOPMENT PERMIT THEY WERE NOT TO RECEIVE  
22 BATTERIES, AND NOW YOU'RE ASKING THEM TO RECEIVE  
23 BATTERIES?

24 MR. KANZ: I CAN'T RESPOND TO WHAT'S IN  
25 THE MARSH DEVELOPMENT PERMIT. I'M NOT FAMILIAR



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1 WITH ANY ASPECTS OF BATTERY STORAGE IN THERE.

2 MS. GUIDOTTI: OKAY. THERE'S A LOT OF  
3 THINGS THAT ARE COMING UP THAT I THINK THAT  
4 THEY'RE PUTTING IN THAT THEY DON'T HAVE THE RIGHT  
5 TO DO AT THIS TIME. THANK YOU.

6 I AM ASKING THAT YOU DENY THE PERMIT  
7 THAT'S SET FORTH BEFORE YOU, AND I HAVE WROTE A  
8 LETTER TO YOU, THAT HOW WAS THE PROBLEM OF LITTER  
9 THAT IS ON MY PARCEL OF LAND THAT AS AGRICUL-  
10 TURALLY I'M PUT OUT OF BUSINESS BY THE WINDBLOWN  
11 LITTER THAT COMES ACROSS. YES, I HAVE SUBMITTED  
12 YOU A LETTER THAT THE LANDFILL WANTS TO COME ON  
13 THE PROPERTY AND PICK UP THIS LITTER, USE LOW  
14 IMPACT VEHICLES.

15 WELL, IF I WAS TO TAKE YOUR FRONT  
16 GRASS AND PUT 50 CHILDREN ON IT AND A LOW IMPACT  
17 VEHICLE, YOU WOULD GET MUD IS WHAT YOU WOULD GET  
18 ON YOUR FRONT GRASS. AND THAT IS WHAT I GET WITH  
19 THE EROSION AND THEM PICKING UP THIS LITTER.  
20 AFTER 12 YEARS I HAVE ALLOWED THEM TO COME ON AND  
21 PICK UP THE LITTER BECAUSE I NEEDED TO STAY IN  
22 BUSINESS BECAUSE I WAS RAISING CATTLE.

23 IT HAS REACHED A POINT, AND WITH THE  
24 APPROVAL OF NO. A TODAY AND ALL THIS LITTER AND  
25 THE LANDFILL AND ALL THE TRANSFER STATIONS THAT



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1 ARE COMING IN, I COULD NO LONGER STAY IN BUSINESS  
2 AND ALLOW THEM TO PICK UP THIS LITTER. SO IN  
3 APRIL I HAVE SAID, NO, YOU CAN'T COME ON ANYMORE.

4 I'VE ASKED THE COUNTY TO GO BACK TO  
5 THE GENERAL PLAN, AND THE GENERAL PLAN WAS THERE  
6 WAS AN EMERGENCY WATER TANK THAT WAS 300,000  
7 GALLONS WAS SUPPOSED TO BE IN, AND IT WAS CHLORINE  
8 TREATED WATER THAT THE UNIVERSITY OF DAVIS NEEDS  
9 TO HELP PRODUCE A HIGH PROTEIN SHEEP FEED. THIS  
10 WATER HAS SET OUT ACROSS HIGHWAY 12. IT WAS THERE  
11 SEVEN, EIGHT YEARS NOW, AND I SEE IN THE PLANS  
12 WHERE THEY'RE GOING TO USE IT FOR A GOLF COURSE  
13 AND NOT FOR AGRICULTURE.

14 IN THE SUISUN MARSH PRESERVATION  
15 ACT, IT SAYS THAT IN THE POTRERO HILLS, THE  
16 HIGHEST PRIORITY IS TO GO TO AGRICULTURE. IT  
17 COSTS \$16,095 A TRUCKLOAD TO BRING HAY IN TO FEED  
18 900 COWS. THAT'S OVER A HUNDRED THOUSAND DOLLARS  
19 A YEAR. OKAY. THE GRASS THAT THE LANDFILL  
20 CHOOSES TO STOMP DOWN TO PICK UP THE LITTER CAN NO  
21 LONGER HAPPEN THAT WAY.

22 I AM ASKING THE COUNTY TO GO BACK TO  
23 THE GENERAL PLAN. I WANT THE EMERGENCY WATER. I  
24 WANT TO PRODUCE A HIGH PROTEIN SHEEP FEED OR  
25 CATTLE FEED FOR THE PEOPLE AND FOR THE PUBLIC.





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1       AND I AM ASKING YOU TO DENY THIS PERMIT TODAY  
2       UNTIL THIS LITTER PROBLEM IS SOLVED.

3                       I HAVE PICTURES AGAIN THAT ALL OF  
4       YOU HAVE SEEN, IF ANYONE WANTS TO SEE THEM AGAIN,  
5       ON THE LITTER. AND THAT'S WHAT I ASK OF THE BOARD  
6       TODAY SO THE PROBLEM CAN BE RESOLVED. THANK YOU.

7                       CHAIRMAN FRAZEE: THANK YOU. I THINK IT  
8       MIGHT BE WORTHWHILE TO HAVE MR. BURCH COME FORWARD  
9       AND RESPOND, PLEASE.

10                      MR. BURCH: THANK YOU, MR. CHAIRMAN AND  
11       MEMBERS OF THE COMMITTEE. FOR THE RECORD, MY NAME  
12       IS LARRY BURCH. I'M THE DIRECTOR OF ENVIRONMENTAL  
13       MANAGEMENT FOR POTRERO HILLS LANDFILL. AND, OF  
14       COURSE, WE'RE HERE TODAY REQUESTING THAT THE  
15       PERMIT BE RECOMMENDED FOR APPROVAL BY THIS  
16       COMMITTEE.

17                      I'LL TRY TO GO DOWN SOME OF THE  
18       POINTS THAT MRS. GUIDOTTI HAS ISSUED. NIGHTTIME  
19       DELIVERIES AND OPERATIONS SHOULD NOT BE A  
20       SURPRISE. THIS IS SOMETHING THAT'S BEEN DISCUSSED  
21       IN THE EIR FOR A NUMBER OF YEARS. IT'S TAKEN SIX  
22       YEARS TO GET THIS PERMIT TO THIS POINT. WE  
23       INITIATED THE APPLICATION IN 1990, AND THE EIR HAS  
24       BEEN DONE A COUPLE OF TIMES, BUT THERE'S  
25       DEFINITELY A COVERAGE OF NIGHTTIME DELIVERIES.



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1                   ONE OF THE MITIGATIONS IS WE'VE  
2       MOVED THE OR WE'VE CREATED TWO NEW BURROWING OWL  
3       BURROWS IN NOVEMBER AWAY FROM THE ROAD SO THAT THE  
4       BURROWING OWL THAT DOES RESIDE OUT THERE CERTAIN  
5       SEASONS OF THE YEAR WILL NOT BE LIABLE TO BE HIT  
6       BY ONE OF THE TRUCKS COMING IN AT NIGHT.

7                   THERE'S BEEN STUDIES OF LIGHTS ON  
8       THE MARSH, IS THERE ANY DETRIMENTAL EFFECT OF  
9       THOSE LIGHTS. AND THE EIR CONSULTANT AND THE  
10      STATE AGENCIES HAVE DETERMINED THERE'S NOT GOING  
11      TO BE AN EFFECT.

12                  SO THE NIGHTTIME DELIVERIES ARE ALL  
13      DESCRIBED IN THE EIR AND IN THE DELIBERATIONS THAT  
14      HAVE GONE ON TO THIS DATE BY THE COUNTY OF SOLANO  
15      AND ALSO THE BAY CONSERVATION AND DEVELOPMENT  
16      COMMISSION.

17                  WITH RESPECT TO BATTERIES, WE ARE  
18      REQUESTING THAT WE HAVE A BATTERY TURN-IN PROGRAM  
19      THERE TO PROVIDE KIND OF LIKE A WALK-UP, JUST THE  
20      BATTERY PORTION OF THAT, AND THIS ALSO HAS BEEN IN  
21      THE EIR SINCE IT BEGAN. SO THAT IS NOT A NEW  
22      ISSUE EITHER.

23                  WITH RESPECT TO LITTER, I HAVE  
24      PICTURES. MRS. BONNICI DIDN'T SHOW HER PICTURES,  
25      BUT I SAW HER PICTURES TODAY FOR THE FIRST TIME.



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1       THEY DO TRULY SHOW A LOT OF LITTER NEXT TO HER  
2       PROPERTY, OR ON HER PROPERTY, I SHOULD SAY, NEXT  
3       TO HER HOME.  AND WE REALLY ARE SAD THAT THAT  
4       OCCURS.  WE HAVE OFFERED TO COME OVER AND PICK UP  
5       THAT LITTER.

6                       THE PICTURES I'M SENDING AROUND ARE  
7       TWO PICTURES.  WE HAVE TO STAY ON OUR SIDE OF THE  
8       FENCE AND TAKE OUR PICTURES.  AND WHEN YOU LOOK AT  
9       THE TWO PICTURES, THE GREENEST AREA IN THE PICTURE  
10      IS ACTUALLY ON THE LANDFILL SIDE OF THE FENCE.  
11      MAYBE LANDFILLS ARE GOOD GRASS GROWERS.  THERE'S  
12      NOT MUCH LITTER ON THIS SIDE OF THE HILL.  AND YOU  
13      CAN NOTICE THERE'S NO LITTER ON OUR SIDE OF THE  
14      FENCE.  WE PICK IT UP.  WE HAVE A LARGE CREW THAT  
15      CAN DO THAT.

16                      I THINK HER COMMENTS ABOUT US  
17      TRAMPLING DOWN THE GRASS IN COMPARISON OF YOUR  
18      FRONT LAWN BEING TRAMPLED BY 50 YOUNGSTERS IS A  
19      QUESTION OF DENSITY OF FOOTPRINTS.  SHE HAS ABOUT  
20      A HUNDRED 70 ACRES, AND WE'RE LOOKING AT SENDING  
21      THREE OR FOUR PEOPLE OVER THERE ON A REGULAR BASIS  
22      AND KEEP UP WITH THE LITTER RATHER THAN LETTING IT  
23      ACCUMULATE.  WE DO NOT FEEL THAT WE WOULD BE  
24      TRAMPLING DOWN THE GRASS.

25                      IN THE PAST WE MAY HAVE TAKEN A



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1 TRUCK OVER THERE IN THE SUMMERTIME TO PICK UP THE  
2 BAGS OF LITTER, AND MAYBE THAT DID TRAMPLE DOWN  
3 THE GRASS. WE HAVE A LOW GROUND PRESSURE  
4 ALL-TERRAIN VEHICLE THAT'S AVAILABLE FOR THIS USE,  
5 AND WE'RE WILLING TO CREATE FENCES, GATES THROUGH  
6 THE FENCE, AND USE THAT VEHICLE THAT DOESN'T  
7 DISTURB HER.

8 IN THE PICTURE THERE'S A 12-FOOT  
9 HIGH CHAIN LINK FENCE THAT WE HAVE CONSTRUCTED AS  
10 A LITTER BARRIER RIGHT AT THE LANDFILL BOUNDARY,  
11 AND THIS RUNS FOR APPROXIMATELY 1500 FEET. SO  
12 IT'S NOT JUST A SMALL LITTLE STRETCH OF FENCE.  
13 IT'S THE WHOLE COMMON SIDE OF HER PROPERTY WITH  
14 OURS THAT WE BLOCKED OFF FOR LITTER.

15 AND WE HAVE FILED A LITTER CONTROL  
16 PROGRAM WITH THE COUNTY, WITH THE LEA, THAT  
17 INDICATES WE HAVE A REGULAR STAFF OR TEAM OF  
18 PEOPLE TO PICK UP LITTER. WE HAVE FENCES NEXT TO  
19 THE ACTIVE FACE, INTERMEDIATE FENCES DOWNWIND,  
20 DIRT BERMS THAT CATCH LITTER, SO WE ARE ATTEMPTING  
21 TO CONTROL REALLY THE ONLY PROBLEM THAT POTRERO  
22 HILLS HAS, AND THAT IS IT GETS A LOT OF WIND, AND  
23 SO WE HAVE TO CHASE AFTER THE LITTER SOMETIME.

24 HER COMMENT ABOUT WATER SUPPLY, WE  
25 DO NOT FEEL THAT THIS IS REALLY A MATTER FOR THIS





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1 BOARD TO BE CONCERNED WITH. THE GENERAL PLAN MAY  
2 HAVE MENTIONED THAT THERE MIGHT BE A WATER TANK IN  
3 THE POTRERO HILLS AT SOME TIME. AND WE HAVE BEEN  
4 COOPERATING WITH THE CITY OF SUISUN, CITY OF  
5 FAIRFIELD, AND THE SOLANO IRRIGATION DISTRICT TO  
6 PROVIDE A WATER TANK SITE BECAUSE IT WOULD PROVIDE  
7 A WATER SUPPLY FOR US. HOWEVER, THERE'S EITHER  
8 NOT BEEN MONIES OR THERE'S NOT BEEN INTEREST OR  
9 THERE'S BEEN REGULATORY PROBLEMS OF SITING SUCH A  
10 FACILITY OUT IN THE SUISUN MARSH AND IT HAS NOT  
11 GONE FORWARD. WE DO NOT FEEL THAT THAT'S A BURDEN  
12 THAT OUR PROJECT SHOULD REALLY INHERIT HERE. IT  
13 WOULD BE GOOD TO HAVE A WATER SUPPLY SO SHE COULD  
14 USE IT AND OTHER PEOPLE IN THE AREA COULD USE IT,  
15 BUT THAT IS SOLANO COUNTY'S ACTION TO FOLLOW UP  
16 ON. IT WAS DISCUSSED IN THE EIR, AND THAT  
17 CONCLUSION WAS REACHED, THAT THAT WAS NOT A  
18 FEATURE OF OUR PROJECT THAT HAD TO BE DETERMINED  
19 OR DECIDED ON BY SOLANO COUNTY.

20 THAT'S THE COMMENTS I WOULD MAKE  
21 IN  
22 REBUTTAL TO MRS. GUIDOTTI, AND I WOULD REQUEST  
23 THAT YOU PROVIDE A RECOMMENDATION TO SUPPORT  
THIS  
BEING. THANK YOU.

24 CHAIRMAN FRAZEE: ANY QUESTIONS? IS  
THE  
25 LEA FOR SOLANO COUNTY PRESENT?

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1                   MR. CULLEN:   GOOD AFTERNOON, COMMITTEE  
2       MEMBERS.   MY NAME IS KEVIN CULLEN, AND I'M AN  
3       ENVIRONMENTAL ENGINEER FOR SOLANO COUNTY'S LOCAL  
4       ENFORCEMENT AGENCY, AND I'M AVAILABLE FOR ANY  
5       QUESTIONS THAT YOU MAY HAVE.

6                   CHAIRMAN FRAZEE:   ONE OF THE CONCERNS I  
7       HAVE IS THE LITTER PROBLEM.   I THINK ANYONE THAT  
8       LIVES NEAR A LANDFILL OUGHT TO BE FREE OF THAT  
9       KIND OF AN IMPACT, AND I WONDER ABOUT YOUR  
10      ENFORCEMENT EFFORTS.

11                  MR. CULLEN:   WELL, I KNOW THAT POTRERO  
12      HILLS HAS INSTALLED THIS 12-FOOT HIGH FENCE ON THE  
13      LINE THAT SEPARATES THE LANDFILL AND THE GUIDOTTI  
14      PROPERTY, AND THEY'VE ALSO IMPLEMENTED MOVABLE  
15      FENCES AROUND THEIR ACTIVE AREAS TO CATCH THE  
16      LITTER.   SO I FEEL THAT THE PROBLEM OF LITTER  
17      ACCUMULATING ON THE GUIDOTTI PROPERTY IS NOT DUE  
18      TO THE LACK OF EFFORT ON THE LANDFILL SIDE, BUT  
19      MORE LIKE A COORDINATION BETWEEN THE LANDOWNER AND  
20      THE LANDFILL.

21                  SO WE'RE TRYING TO ENCOURAGE MRS.  
22      GUIDOTTI TO COOPERATE IN ALLOWING POTRERO HILLS TO  
23      ACCESS HER PROPERTY TO PICK.   AND I KNOW THAT THE  
24      LANDFILL IS IMPLEMENTING AS MANY MEASURES THAT  
25      THEY CAN AT THIS POINT REALLY TO STOP THE  
LITTER



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1 FROM BLOWING OVER THE FENCE AND ONTO HER  
PROPERTY.

2 AND SO WE'RE JUST TRYING TO ENCOURAGE SOME KIND  
OF

3 COORDINATION EFFORT HERE. AND IT MAY COME DOWN  
TO

4 WE MAY HAVE TO SEEK SOME LEGAL ADVICE FROM YOUR  
5 BOARD OR SOMETHING LIKE THAT IN THE FUTURE, BUT

6 THE LANDFILL HAS BEEN DOING A GOOD JOB IN  
KEEPING

7 THE LITTER ON SITE.

8 CHAIRMAN FRAZEE: SO YOU HAVE NOT HAD  
AN

9 OCCASION TO WRITE A REPORT ON THE LITTER  
PROBLEM

10 OR --

11 MR. CULLEN: WE RECENTLY SENT A LETTER  
TO

12 JUNE GUIDOTTI, TRYING TO ASK FOR HER  
COOPERATION

13 IN ALLOWING THE LANDFILL ON TO PICK UP THE  
LITTER.

14 MEMBER PENNINGTON: ISN'T THIS A  
REALLY

15 HIGH WIND AREA TOO?

16 MR. CULLEN: YES, IT IS.

17 MEMBER PENNINGTON: THEY USED TO HAVE  
A

18 WINDMILL, ELECTRIC WINDMILL OVER THERE.

19 MR. CULLEN: I'M NOT AWARE OF ANY  
20 WINDMILLS IN THE AREA. I'M SURE THEY DID, IN  
21 FACT.

22 MEMBER PENNINGTON: THEY HAD ONE OF  
THOSE

23 BIG TURBINES THERE OR NEAR THERE.

24 CHAIRMAN FRAZEE: OKAY. THANK YOU  
VERY

25 MUCH. THE ITEM IS BEFORE US UNLESS STAFF HAS

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1 ANYTHING ELSE.

2 MEMBER RELIS: I'LL MOVE THE ITEM. I  
3 HOPE THAT THIS LITTER ARRANGEMENT CAN BE WORKED  
4 OUT, BUT I THINK IT TAKES WILLINGNESS ON BOTH  
5 PARTIES TO MAKE IT WORK.

6 MEMBER PENNINGTON: I'LL SECOND THAT AND  
7 I WILL SECOND YOUR COMMENTS TOO. I THINK IT NEEDS  
8 TO BE SOME COOPERATION THERE.

9 CHAIRMAN FRAZEE: DID WE HAVE A  
10 RESOLUTION ON THAT?

11 MR. KANZ: SHOULD HAVE BEEN ONE HANDED  
12 OUT THIS MORNING.

13 CHAIRMAN FRAZEE: SO THE MOTION WE HAVE  
14 IS ON THE ADOPTION OF PERMIT DECISION 96-509.  
15 SECRETARY WILL CALL THE ROLL.

16 THE SECRETARY: MEMBER PENNINGTON.

17 MEMBER PENNINGTON: AYE.

18 THE SECRETARY: MEMBER RELIS.

19 MEMBER RELIS: AYE.

20 THE SECRETARY: CHAIRMAN FRAZEE.

21 CHAIRMAN FRAZEE: AYE. MOTION IS  
22 CARRIED. IS THERE ANY OBJECTION TO CONSENT TO THE  
23 BOARD? IF NOT, WE'LL RECOMMEND THAT.

24 NOW WE'RE READY FOR ITEM 5. THIS IS  
25 THE CONSIDERATION OF CONCURRENCE IN THE ISSUANCE





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1 OF A REVISED SOLID WASTE FACILITY PERMIT FOR THE  
2 REPUBLIC IMPERIAL LANDFILL IN IMPERIAL COUNTY.

3 MS. RICE: THANK YOU. TADESE  
4 GEBRE-HAWARIAT WILL MAKE THIS PRESENTATION FOR  
5 STAFF.

6 MR. GEBRE-HAWARIAT: GOOD MORNING. THE  
7 OWNER AND OPERATOR OF THE REPUBLIC IMPERIAL  
8 LANDFILL IS THE REPUBLIC IMPERIAL ACQUISITION  
9 CORPORATION. MR. JOHN LAU IS THE GENERAL MANAGER.

10 THE PROPOSED PERMIT IS TO ALLOW FOR  
11 THE FOLLOWING: ONE IS TO WRITE THE SOLID WASTE  
12 FACILITY PERMIT IN THE CURRENT FORMAT, STIPULATING  
13 OPERATIONAL CONDITIONS CONSISTENT WITH THE NEW  
14 CONDITIONAL USE PERMIT AND CURRENT STATE AND LOCAL  
15 REQUIREMENTS. SECOND IS TO IDENTIFY IN THE SOLID  
16 WASTE FACILITY PERMIT THE NEW PERMITTED OWNER AND  
17 OPERATOR, THE REPUBLIC IMPERIAL ACQUISITION  
18 CORPORATION; ALSO TO ALLOW AN INCREASE IN THE  
19 TOTAL LANDFILL SIZE FROM 120 TO 170 ACRES, AN  
20 OVERALL BASE FOOTPRINT OF 79 ACRES.

21 THE PROPOSED PERMIT WOULD ALSO ALLOW  
22 THE INCREASE IN THE RATE OF PEAK DAILY WASTE  
23 RECEIPTS FROM 50 TONS TO 306 TONS PER DAY IN THE  
24 YEAR 1996, GOING UP TO 368 IN '97, 441 IN '98, 530  
25 BY THE YEAR 1999, AND 635 BY THE YEAR 2000.



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1                   IT'S ALSO TO STIPULATE IN THE SOLID  
2       WASTE FACILITY PERMIT THE CURRENT PERMITTED HOURS  
3       OF OPERATION, MAXIMUM TRAFFIC VOLUME, PERMITTED  
4       FINAL SITE ELEVATIONS, BOTH IN THE CURRENT WORKING  
5       AREA AND IN THE EXPANSION AREA, AND ALSO, LASTLY,  
6       IT'S TO INCORPORATE INTO THE TERMS AND CONDITIONS  
7       OF THE SOLID WASTE FACILITY PERMIT THE NEW RDSI  
8       WHICH DESCRIBES THE SITE OPERATIONS AS THEY EXIST  
9       TODAY.

10                   BOARD STAFF AND THE LEA HAVE  
11       DETERMINED THE FOLLOWING: ONE, THAT THE IMPERIAL  
12       COUNTY PLANNING DEPARTMENT DETERMINED THAT THE  
13       REPUBLIC IMPERIAL LANDFILL HAS AN EXISTING LAND  
14       USE THAT'S CONSISTENT WITH THE GENERAL PLAN OF THE  
15       COUNTY OF IMPERIAL AND THAT THE EXPANSION WOULDN'T  
16       BE INCOMPATIBLE WITH THE EXISTING SURROUNDING LAND  
17       USES. TWO, THAT THE EXISTING LANDFILL IS  
18       DESCRIBED IN THE LATEST VERSION OF THE COUNTY  
19       SOLID WASTE MANAGEMENT PLAN, AND THE EXPANDED  
20       ASPECTS OF THE FACILITY WERE APPROVED BY THE  
21       IMPERIAL COUNTY LOCAL TASK FORCE ON NOVEMBER 7,  
22       1996. THREE, THAT THE OPERATIONS OF THE LANDFILL  
23       WERE ON THE BASIS OF THE LEA'S INSPECTION REPORT  
24       OF OCTOBER 30TH AND THE BOARD'S ENFORCEMENT

BRANCH

25       INSPECTION REPORT OF SEPTEMBER 17, 1996, DEEMED

TO

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1 BE IN COMPLIANCE WITH STATE STANDARDS.

2 CURRENTLY THE LANDFILL IS OPERATING  
3 UNDER THE TERMS AND CONDITIONS OF THE 1978 PERMIT  
4 AND STIPULATED ORDER OF COMPLIANCE AND AGREEMENT  
5 FOR SOME VIOLATIONS OF THE PERMIT. BOARD  
6 CONCURRENCE WITH THE PROPOSED PERMIT AND ITS  
7 SUBSEQUENT ISSUANCE BY THE LEA WILL CORRECT THESE  
8 VIOLATIONS.

9 AND NO. 4, CEQA HAS BEEN COMPLIED  
10 WITH.

11 STAFF REVIEWED THE PROPOSED PERMIT  
12 AND SUPPORTING DOCUMENTATION AND HAVE FOUND THEM  
13 TO BE ACCEPTABLE FOR CONSIDERATION BY THE BOARD.

14 IN CONCLUSION, STAFF RECOMMEND THAT  
15 THE BOARD ADOPT SOLID WASTE FACILITY PERMIT  
16 DECISION NO. 96-512, CONCURRING IN THE ISSUANCE  
17 OF  
18 SOLID WASTE FACILITY PERMIT NO. 13-AA-0019.

19 MR. GERALD QUICK OF THE LEA'S  
20 OFFICE

21 IS PRESENT AND ALSO MR. JOHN LAU OF THE OPERATOR  
22 IS PRESENT TO ANSWER ANY QUESTIONS THAT THE  
23 COMMITTEE MEMBERS MAY HAVE. AND THIS CONCLUDES  
STAFF PRESENTATION.

CHAIRMAN FRAZEE: QUESTIONS?

24                   MEMBER RELIS:  YES, MR. CHAIR, THIS IS  
25   DIRECTED TO STAFF.  I'M ALSO IN REFERENCE --

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1 MAKING REFERENCE TO THE SAME LETTER FROM NRDC OF  
2 AUGUST OF '94 IN WHICH THEY MAKE A STATEMENT  
3 RELATED TO THE SITUATION IN IMPERIAL COUNTY  
4 BECAUSE WE TOOK THIS UP AT SOME LENGTH, I  
5 REMEMBER, AWHILE BACK. THAT ALL TEN OF THE  
6 LANDFILLS OPERATED BY THE COUNTY DEPARTMENT OF  
7 PUBLIC WORKS WERE CURRENTLY AND CONSISTENTLY OUT  
8 OF COMPLIANCE WITH STATE MINIMUM STANDARDS. THAT  
9 WAS THE NRDC'S ASSERTION.

10 NOW, THEIR LETTER DID NOT  
11 SPECIFICALLY ADDRESS THIS LANDFILL. IT  
FOCUSED ON

12 ONE OF THE OTHERS IN COLEXICO OR  
COLEXICO SOLID

13 WASTE DISPOSAL FACILITY. BUT AS I  
UNDERSTAND IT,

14 THIS, BASED ON STAFF REPORT, IS NOW IN  
COMPLIANCE,

15 THE ONE WE'RE DEALING WITH TODAY? AND  
WHAT, MIGHT

16 I ASK, IS THE PROGRESS THAT IS BEING  
MADE IN THE

17 IMPERIAL COUNTY REGARDING BRINGING THE  
TEN

18 LANDFILLS INTO COMPLIANCE?

19                   MR. GEBRE-HAWARIAT: AS YOU PUT  
IT  
20       CORRECTLY, THE REFERENCE IN THE NRDC  
ALLEGATIONS  
21       WERE THE COUNTY OWNED AND OPERATED  
LANDFILLS. OUR  
22       UNDERSTANDING IS THAT THE HISTORY OF THE  
SITE WITH  
23       THIS PARTICULAR SITE IN TERMS OF THE  
COMPLIANCE  
24       WITH MINIMUM STANDARDS HAS BEEN  
OUTSTANDING. THAT  
25       WE GOT FROM A REPORT FROM OUR  
ENFORCEMENT BRANCH.



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1       SO THIS WAS NOT THE SUBJECT OF THE NRDC.

2                       BUT IN TERMS OF THE COUNTY

3       LANDFILLS, CURRENTLY WE ARE REVIEWING -- THE

4       COUNTY HAS SUBMITTED RDSI'S. WE'RE IN THE REVIEW

5       PROCESS FOR FOUR LANDFILLS AT PRESENT AND THEN

6       OTHERS ARE ALSO COMING UP. THE IDEA IS TO UPDATE

7       ALL THE '79 PERMITS FOR THESE FACILITIES, AND

8       WITHIN THE NEXT YEAR OR YEAR AND A HALF WE HOPE TO

9       COMPLETE THAT EFFORT WORKING WITH THE LEA.

10                    MEMBER RELIS: THANK YOU VERY MUCH.

11       SINCE THE LEA IS HERE, TRAVELED ALL THIS WAY.

12                    CHAIRMAN FRAZEE: MAKE HIS TRIP

13       WORTHWHILE.

14                    BOARD MEMBER RELIS: YOUR OBSERVATION ON

15       THE PROGRESS.

16                    MR. QUICK: GERALD QUICK, CONTACT

17       PERSONNEL, LEA IMPERIAL COUNTY. YOU'RE SPEAKING

18       OF THE COUNTY OPERATED LANDFILLS?

19                    MEMBER RELIS: YES.

20                    MR. QUICK: OVER HALF OF THE PERMIT

21       REVIEW REPORTS HAVE BEEN COMPLETED BY THE LEA AND

22       SUBMITTED TO YOUR STAFF. THE -- ALL OF THE

23       REQUISITE PSR'S BY THE OPERATOR HAVE BEEN

24       COMPLETED. THE RDSI'S AND PRELIMINARY POSTCLOSURE

25       AND -- CLOSURE AND POSTCLOSURE PLANS HAVE BEEN



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1 COMPLETED. WE'RE UNDERGOING CEQA DETERMINATION AT  
2 THE PRESENT TIME ON THESE FACILITIES. THAT DOES  
3 TAKE A LITTLE BIT OF TIME. BUT I THINK IT'S  
4 MOVING ALONG FAIRLY RAPIDLY. AND IF I'M EVER TO  
5 QUIT, I THINK WE'LL GET THEM PROBABLY ALL  
6 PROCESSED EARLY OR BY MID-'97.

7 MEMBER RELIS: THANK YOU VERY MUCH FOR  
8 THAT UPDATE.

9 CHAIRMAN FRAZEE: QUESTIONS?

10 MEMBER PENNINGTON: NO, MR. CHAIRMAN.  
11 I'LL MOVE CONCURRENCE WITH PERMIT DECISION 96-512,  
12 WITH PERMIT NO. 13-AA-0019.

13 MEMBER RELIS: SECOND.

14 CHAIRMAN FRAZEE: MOTION AND SECOND ON  
15 THE APPROVAL OF THE PERMIT FOR REPUBLIC IMPERIAL  
16 LANDFILL. SECRETARY WILL CALL THE ROLL, PLEASE.

17 THE SECRETARY: MEMBER PENNINGTON.

18 MEMBER PENNINGTON: AYE.

19 THE SECRETARY: MEMBER RELIS.

20 MEMBER RELIS: AYE.

21 THE SECRETARY: CHAIRMAN FRAZEE.

22 CHAIRMAN FRAZEE: AYE. MOTION IS

23 CARRIED. IF THERE'S NO OBJECTION, WE'LL

RECOMMEND

24 THAT ONE FOR BOARD CONSENT ALSO.

25 NOW WE'RE READY TO MOVE TO AGENDA



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1       ITEM 6, AND THIS IS THE CONSIDERATION OF APPROVAL  
2       TO FORMALLY NOTICE PROPOSED AMENDMENTS TO  
3       REGULATIONS TO ESTABLISH FILING DATES FOR BOARD  
4       ACTION ON PROPOSED SOLID WASTE FACILITY PERMITS.

5                       THIS ITEM WAS BROUGHT TO THE  
6       COMMITTEE AND TO THE BOARD BECAUSE OF THE CONCERN  
7       OF THE SOMETIMES SHORT TIME FRAME UNDER CURRENT  
8       REGULATIONS THAT WE HAVE IN REVIEWING A FACILITIES  
9       PERMIT AND SEEKING A BETTER ANSWER FOR APPLICATION  
10      DATES. IT'S MY UNDERSTANDING THAT WE HAVE JUST  
11      RECEIVED SOME CONCERNS ON THIS ITEM FROM CCDEH  
12      REGARDING OUR PROPOSAL, AND SO WE SHOULD HAVE A  
13      STAFF REPORT AND MAYBE DELAY THIS ITEM.

14                    MS. RICE: YES. TADESE GEBRE-HAWARIAT IS  
15      PREPARED TO MAKE A STAFF PRESENTATION. AS YOU  
16      INDICATED, WE DID HEAR LATE YESTERDAY FROM DON  
17      KOEPP ON BEHALF OF CCDEH AND THEN AGAIN THIS  
18      MORNING, INDICATING THAT THEY WOULD APPRECIATE  
19      MORE TIME TO WORK WITH STAFF ON THIS PROPOSAL.  
20      BASED ON THAT INPUT, I WOULD LIKE TO REVISE  
21      OUR  
22      STAFF RECOMMENDATION; AND AFTER A BRIEF  
23      PRESENTATION, WE CAN GO INTO THAT.

23                    MR. GEBRE-HAWARIAT: THE PUBLIC  
RESOURCE

24 CODE AND TITLE 14, THE CALIFORNIA CODE OF  
25 REGULATIONS PROVIDE TIME FRAMES WITHIN WHICH  
THE

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1 BOARD SHALL REVIEW AND CONSIDER PROPOSED SOLID  
2 WASTE FACILITY PERMITS. THESE TIME FRAMES FOR  
3 REVIEW AND ACTION ARE 60 DAYS FOR FULL PERMITS AND  
4 30 DAYS FOR STANDARDIZED PERMITS.

5 AT THE MAY 1996 MEETING, THE  
6 PERMITTING AND ENFORCEMENT COMMITTEE DIRECTED  
7 STAFF TO DEVELOP REGULATIONS TO ACCOMPLISH TIME  
8 SCHEDULE ADJUSTMENTS FOR THE BOARD'S REVIEW OF  
9 PROPOSED SOLID WASTE FACILITY PERMITS. THE  
10 COMMITTEE DID SO DIRECT BECAUSE IT WAS BROUGHT TO  
11 ITS ATTENTION THAT ALTHOUGH THE STATUTE AND  
12 REGULATION DO PROVIDE FOR THE 60 AND 30 REVIEW  
13 DAYS, THE CURRENT PERMIT REVIEW STRUCTURE HAS  
14 READILY ALLOWED THE BOARD THE USE OF THE FULL  
15 REVIEW TIME FRAMES.

16 A BIT OF BACKGROUND. THE BOARD'S  
17 REVIEW AND ACTION TIME STARTS THE DAY THAT THE  
18 PROPOSED PERMIT PACKET IS RECEIVED AT THE BOARD.  
19 BECAUSE OF WHEN THE PERMIT PACKAGE MAY BE  
RECEIVED

20 AT THE BOARD IN RELATION TO THE MONTHLY COMMITTEE  
21 AND BOARD MEETINGS, AND BECAUSE AGENDA ITEMS MUST  
22 BE PREPARED AND SUBMITTED WITH THE DEADLINES TO  
23 ALLOW ADMINISTRATIVE REVIEWS, PRINTING, AND  
24 DISTRIBUTIONS, THE MAXIMUM REVIEW PERIOD THAT THE  
25 BOARD STAFF ARE HAVING TO WORK WITH MOST

INSTANCES



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1       IS ABOUT A THIRD OF THE ALLOWED TIME FRAME.

2                       FOR THE BOARD'S PERMITS SECTION  
3       STAFF, THE CENTER OF THE REVIEW RESPONSIBILITY IS  
4       THE REQUIREMENT THAT THE QUANTITY AND QUALITY OF  
5       INFORMATION SUPPLIED IN THE PERMIT PACKAGE IS  
6       DETAILED ENOUGH TO ALLOW THOROUGH EVALUATION OF  
7       THE ENVIRONMENTAL EFFECTS OF THE FACILITY AND TO  
8       ASSESS AND ANALYZE THE INFORMATION TO ENSURE THAT  
9       THE LIKELIHOOD THAT THE OPERATION WILL BE ABLE TO  
10      CONFORM TO THE STATE STANDARDS OVER THE USEFUL  
11      ECONOMIC LIFE OF THE FACILITY.

12                     IN THE ENDEAVOR, BESIDES WORKING  
13      CLOSELY WITH THE ENFORCEMENT AGENCIES, THE PERMIT  
14      SECTION STAFF ALSO MUST COORDINATE THE REVIEW AND  
15      THE REVIEW WITH THE BOARD'S OTHER SECTIONS,  
16      BRANCHES, AND DIVISIONS.

17                     EXPERIENCE HAS SHOWN THAT THIS  
18      DEMAND FOR THOROUGH AND COORDINATED REVIEW OF A  
19      PERMIT PACKAGE REQUIRES MORE THAN THE MINIMUM  
20      AMOUNT OF REVIEW TIME THAT THE CURRENT STRUCTURE  
21      ALLOWS.

22                     NOW THE PROPOSAL. TO ACCOMPLISH  
THE  
23      TIME SCHEDULE ADJUSTMENTS FOR THE BOARD'S REVIEW  
24      OF PROPOSED PERMITS, STAFF PROPOSE THAT THE

BOARD

25 ESTABLISH FILING DATES FOR WHICH PROPOSED PERMIT

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1        PACKAGES WOULD BE SUBMITTED BY ENFORCEMENT  
2        AGENCIES. THE PROPOSAL CALLS FOR THE  
3        ESTABLISHMENT OF A CALENDAR FOR THE BOARD ACTION  
4        ON PROPOSED PERMITS, AND THE FILING DATES WOULD  
BE

5        SET ON THE BASIS OF THE ESTABLISHED CALENDAR.

6                        THE FILING DATES WOULD BE 60 DAYS  
7        PRIOR TO THE ESTABLISHED MONTHLY BOARD MEETING  
FOR

8        FULL PERMITS AND 30 DAYS PRIOR FOR STANDARDIZED  
9        PERMITS. A PROPOSED PERMIT RECEIVED AFTER AN  
10       ESTABLISHED FILING DATE WOULD BE CONSIDERED  
11       RECEIVED FOR THE NEXT FILING DATE.

12                      THE FILING DATES WOULD BE  
13        ESTABLISHED BY AMENDING EXISTING REGULATORY  
14        LANGUAGE AS INDICATED IN THE DRAFT PROVIDED AS  
15        ATTACHMENT TO THE AGENDA ITEM.

16                      THE CONCEPT OF THE PROPOSAL TO  
17        ESTABLISH FILING DATES TO WHICH PROPOSED PERMIT  
18        PACKAGE WOULD BE SUBMITTED WAS PRESENTED TO  
LEA'S

19       AT THE OCTOBER 1996 ROUND TABLES. SUMMARY OF  
THE

20       LEA'S COMMENTS WENT AS FOLLOWS: SOME SAID  
INSTEAD

21 OF PROCEEDING WITH REGULATIONS, PROCEED  
22 ADMINISTRATIVELY, SAVING TIME ON DRAFTING,  
23 COMMENTING, AND PRINTING REGULATIONS. THEY ALSO  
24 SAID THAT THE PERMITTING PROCESS SEEMS TO WORK  
AS  
25 IT IS, AND THERE'S NO NEED TO CHANGE.

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1                   THERE WERE SOME COMMENTS LIKE DOES  
2       THE BOARD HAVE THE LEGAL AUTHORITY TO ESTABLISH  
3       FILING DATES.

4                   ANOTHER COMMENT WAS THAT THE  
5       PROPOSAL SEEMS TO CONFLICT WITH THE PRC 44009,  
6       WHICH REQUIRES BOARD ACTION WITHIN 60 DAYS OF THE  
7       DATE OF RECEIPT OF A PROPOSED PERMIT PACKAGE.

8                   ANOTHER COMMENT HAD TO DO WITH THE  
9       PROPOSAL WILL ADD MORE WORK AND MAKE THE  
10      PERMITTING PROCESS EVEN MORE CUMBERSOME THAN IT  
11      ALREADY IS. ANOTHER COMMENT WENT ON IF A FACILITY  
12      OPERATOR IS NOT COOPERATIVE IN THE SUBMISSION OF  
13      THE PERMIT PACKAGE, THE LEA MAY HAVE PROBLEMS  
14      MEETING THEIR MANDATED TIME LINES.

15                  A FURTHER COMMENT WENT ON THAT THE  
16      ESTABLISHING OF FILING DATES WILL ALSO REQUIRE  
17      THAT THE LEA ESTABLISH DATES FOR THE DETERMINATION  
18      OF WHEN PERMIT PACKAGES ARE COMPLETE SINCE THIS  
19      STARTS THE LEA'S 120-DAY CLOCK. IF THE BOARD'S  
20      60-DAY REVIEW PERIOD IS SET BY FILING DATES, THE  
21      LEA WOULD HAVE TO FIGURE THIS INTO MANDATED TIME  
22      FRAMES AND LET THE OPERATOR KNOW WHEN TO SUBMIT A  
23      PROPOSED PERMIT PACKAGE TO THE LEA FOR A  
24      PARTICULAR BOARD MEETING.

25                  ANOTHER FINAL COMMENT SAID IF FILING



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1 DATES WERE ESTABLISHED AND DISTRIBUTED TO LEA'S,  
2 THIS WOULD BE A USEFUL PLANNING TOOL. THE  
3 CERTAINTY OF PLANNING FOR A SPECIFIC BOARD MEETING  
4 WOULD BE ADVANTAGEOUS TO THE LEA AND OPERATOR.

5 NOW, OPTIONS FOR THE COMMITTEE: THE  
6 COMMITTEE MAY DECIDE TO APPROVE FORMAL NOTICE OF  
7 THE PROPOSED DRAFT REGULATIONS WITH THE OFFICE OF  
8 ADMINISTRATIVE LAW. COMMITTEE MAY ALSO APPROVE  
9 FORMAL NOTICE OF THE PROPOSED DRAFT REGULATIONS  
10 WITH THE OFFICE OF ADMINISTRATIVE LAW WITH  
11 SPECIFIED CHANGES. THE COMMITTEE COULD ALSO  
12 DIRECT STAFF TO REVISE THE PROPOSED REGULATIONS  
13 AND/OR PROVIDE ADDITIONAL INFORMATION AT A FUTURE  
14 COMMITTEE MEETING. OR THE COMMITTEE MAY ALSO  
15 ADDRESS ADMINISTRATIVELY TO IMPLEMENT THE PROPOSAL  
16 AND ESTABLISH FILING DATES ON A TRIAL BASIS. AND  
17 LASTLY, THE COMMITTEE MAY MAINTAIN THE BOARD  
18 REVIEW OF THE PROPOSED PERMIT PACKAGE STATUS QUO.

19 MS. RICE: AT THIS TIME, RATHER THAN  
20 PROCEEDING WITH THE OPTIONS DESCRIBED IN THE ITEM  
21 AND THE STAFF RECOMMENDATION LISTED IN THE ITEM, I  
22 WOULD LIKE TO REVISE THE STAFF RECOMMENDATION TO  
23 INDICATE THAT WE WOULD LIKE TO TAKE MORE TIME TO  
24 WORK WITH LEA'S AND CCDEH AND LEA'S IN GENERAL,  
25 OTHER INTERESTED PARTIES THAT MAY COME FORWARD.





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1 WE HAVEN'T HEARD FROM OPERATORS ON THIS ISSUE TO  
2 THIS DATE. WORK WITH THEM ON DEVELOPING A  
3 PROPOSAL AND COME BACK TO YOU AT SOME FUTURE DATE  
4 AS MAY BE APPROPRIATE.

5 MEMBER RELIS: MR. CHAIR, I WOULD JUST  
6 SAY AT THIS TIME, AS YOU GO INTO THOSE  
7 DISCUSSIONS, WHICH I THINK THEY'RE ADVISABLE, WITH  
8 THIS INPUT, I DO BELIEVE WE HAVE A PROBLEM AT THE  
9 BOARD WITH OUR TIME FRAME, AND I JUST WANTED TO  
10 STATE THAT FOR THE RECORD. I'M HOPING THAT ALL  
11 PARTIES WILL RECOGNIZE THAT FOR THIS TO BE AN  
12 EFFECTIVE WORKING RELATIONSHIP, PARTICULARLY IN  
13 THE 1220 ENVIRONMENT, WE NEED AN ADEQUATE TIME TO  
14 PROCESS FOR OUR STAFF, AND SO IT HAS TO WORK BOTH  
15 WAYS.

16 MS. RICE: RIGHT. IT HAS TO WORK FOR THE  
17 LEA'S AND IT HAS TO WORK FOR US.

18 MEMBER PENNINGTON: MR. CHAIRMAN, I  
19 CONCUR COMPLETELY WITH THOSE COMMENTS.

20 CHAIRMAN FRAZEE: IF THERE'S NO  
21 OBJECTION, WE'LL REFER THIS BACK TO STAFF AND  
22 CONTINUE DISCUSSION WITH THE AFFECTED PARTIES  
AND  
23 RETURN IT AT A FUTURE DATE.

24 NOW WE ARE READY TO MOVE ON

WITH  
25      ACTUALLY TWO ITEMS THAT RUN TOGETHER DEALING  
WITH

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1 THE NONHAZARDOUS ASH REGULATIONS. LET'S TAKE  
2 ABOUT A FIVE-MINUTE BREAK RIGHT NOW BEFORE WE  
3 START INTO THESE.

4 (RECESS TAKEN.)

5 CHAIRMAN FRAZEE: MEETING WILL COME TO  
6 ORDER, PLEASE. TAKE YOUR SEATS. THE NEXT TWO  
7 ITEMS ON OUR AGENDA, ITEMS 7 AND 8, BOTH DEAL WITH  
8 THE SUBJECT OF NONHAZARDOUS ASH REGULATIONS. THE  
9 FIRST ITEM IS ONE THAT WE'VE HEARD AND WAS FAIRLY  
10 WELL DISPOSED OF, I THOUGHT, IN OUR PREVIOUS  
11 MEETING, AND THAT'S THE ONE THAT DEALS WITH THE  
12 BOARD'S AUTHORITY TO REGULATE. WE HAVE BEEN OVER  
13 THAT ONE; SO MAYBE WE JUST DID NOT MAKE A FORMAL  
14 DECISION ON THAT, ALTHOUGH I THINK OPINIONS WERE  
15 EXPRESSED AND A CONSENSUS WAS ACHIEVED. WE DID  
16 NOT TAKE A FORMAL VOTE.

17 SO LET'S HAVE A STAFF PRESENTATION  
18 ON THAT ITEM.

19 MS. RICE: ELLIOT BLOCK WILL MAKE A BRIEF  
20 PRESENTATION.

21 MR. BLOCK: ACTUALLY BASICALLY YOU MADE  
22 MY PRESENTATION FOR ME. AS YOU RECALL, THE  
23 COMMITTEE HEARD THIS ISSUE LAST MONTH, AND I THINK  
24 WE DECIDED TO NOT FORWARD IT TO THE BOARD LAST  
25 MONTH BECAUSE THERE WERE SOME WORKSHOPS, A



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1       WORKSHOP, THAT WAS GOING ON LAST WEEK, AND SO IN  
2       AN ABUNDANCE OF CAUTION, THE BOARD, I THINK,  
3       DECIDED TO WAIT JUST IN CASE SOMETHING NEW CAME UP  
4       ON THE AUTHORITY ISSUE.  NOTHING DID.

5                       ON THE SCREEN, AND I PASSED OUT A  
6       COPY TO THE COMMITTEE MEMBERS, ALL I'VE DONE IS  
7       TAKEN THE ORIGINAL STAFF RECOMMENDATIONS FROM LAST  
8       MONTH, WHICH ARE ON PAGE 85 OF YOUR PACKET, PAGE 3  
9       OF THE AGENDA ITEM.  ONE THROUGH FOUR ARE THE SAME  
10      IN TERMS OF THE BOARD HAVING AUTHORITY OVER  
11      DISPOSAL, TRANSFER PROCESSING, NOT HAVING  
12      AUTHORITY OVER MANUFACTURING, NOT HAVING AUTHORITY  
13      OVER OTHER PRODUCTIVE USES.

14                     AND THEN THE FIFTH ITEM, WHICH WAS  
15      THE ONE THAT ENGENDERED SOME DISCUSSION OVER LAND  
16      APPLICATION, I HAVE REVISED FROM THE VERSION THAT  
17      WAS IN THE AGENDA ITEM YOU HAVE THAT WENT TO PRINT  
18      BEFORE THE WORKSHOP LAST WEEK.  AND IT'S UP ON THE  
19      BOARD, AND THERE ARE COPIES OF THIS IN THE BACK ON  
20      THE BACK TABLE AS WELL.

21                     JUST BASICALLY SIMPLY SAYS THAT THE  
22      BOARD HAS AUTHORITY TO REGULATE IN THIS AREA, HAS  
23      THE AUTHORITY TO DEFINE THE DIFFERENCE BETWEEN  
24      DISPOSAL AND RECYCLING.  AND THAT'S WHERE WE'RE  
25      STOPPING WITH THIS ITEM, BASICALLY JUST THE









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1                   CHAIRMAN FRAZEE:   THAT'S WHAT I THOUGHT.  
2       WAS THERE ANYONE ELSE HERE THAT WANTED TO SPEAK ON  
3       THE AUTHORITY TO REGULATE ISSUE?  I'LL ASSUME,  
4       THEN, THAT ALL THE SPEAKER SLIPS WE HAVE ON THIS  
5       ITEM WILL DEAL WITH THE REGULATIONS THEMSELVES.  
6       AND THEN YOU HAVE A STAFF RECOMMENDATION AND  
7       PHRASE A MOTION THAT WE'LL --

8                   MEMBER RELIS:  WELL, YES, I'LL GIVE IT A  
9       TRY.  WE HAVE THE FIVE-PART STAFF RECOMMENDATION  
10      ESTABLISHING THE PARAMETERS OF OUR AUTHORITY TO  
11      REGULATE, AND SO I WOULD MOVE ADOPTION OF THESE  
12      FIVE.

13                  MEMBER PENNINGTON:  AND I'LL SECOND IT.

14                  CHAIRMAN FRAZEE:  MOTION AND SECOND.

15                  MEMBER PENNINGTON:  MR. CHAIRMAN, JUST  
16      ONE QUICK QUESTION.  IF AT SOME TIME WE SAW THAT  
17      WE DID NEED TO REGULATE SOMETHING, WE COULD  
CHANGE

18      THESE, CORRECT?

19                  MR. BLOCK:  WELL, THE FIRST TWO SAY  
THAT

20      WE HAVE AUTHORITY.

21                  MEMBER PENNINGTON:  THERE'S TWO THAT  
SAY

22      WE DON'T.

23 MR. BLOCK: YEAH. THREE AND FOUR ARE -

-

24 THESE ARE BASED ON INFORMATION THAT WE'VE HAD IN  
25 THE PAST INDICATING THAT THESE ARE PRODUCTIVE

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1        USES.  IF, IN FACT, WE HAD INDICATIONS THAT SOME  
2        OF THESE ACTIVITIES WERE GOING ON AND THEY WERE  
3        NOT, IN FACT, SOME FORM OF RECYCLING OR OTHER  
4        DIVERSION, THEN THEY REALLY BECOME SIMILAR TO NO.  
5        5, WHERE WE WOULD GO BACK INTO THE PROCESS AND  
6        REALLY KIND OF PERHAPS BETTER DEFINE THE ISSUE IF  
7        WE'RE SEEING THAT THERE'S A PROBLEM.

8                MEMBER RELIS:  THIS WOULD BE LIKE THE  
9        MATTER WE'LL TAKE UP LATER TODAY.  HOPEFULLY WE  
10       WON'T HAVE TO.

11               MEMBER PENNINGTON:  THAT'S FINE.  I JUST  
12       WANT TO BE CLEAR.

13               CHAIRMAN FRAZEE:  IF THERE'S NOTHING  
14       ELSE, THEN, ON THE MOTION TO APPROVE THE AUTHORITY  
15       TO REGULATE ISSUE AS PROVIDED BY THE STAFF,  
16       SECRETARY WILL CALL THE ROLL ON THAT, PLEASE.

17               THE SECRETARY:  MEMBER PENNINGTON.

18               MEMBER PENNINGTON:  AYE.

19               THE SECRETARY:  MEMBER RELIS.

20               MEMBER RELIS:  AYE.

21               THE SECRETARY:  CHAIRMAN FRAZEE.

22               CHAIRMAN FRAZEE:  AYE.  MOTION IS  
23       CARRIED.  THAT ONE PROBABLY SHOULD NOT GO ON  
24       CONSENT.

25               MEMBER RELIS:  I AGREE.



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1                   CHAIRMAN FRAZEE:   WE'LL SEND THAT TO THE  
2                   FULL BOARD TO BE AGENDIZED.

3                   OKAY.   NOW WE ARE READY TO MOVE TO  
4                   ITEM 8.   ITEM 8 IS THE CONSIDERATION OF PROPOSED  
5                   REGULATIONS FOR NONHAZARDOUS ASH OPERATIONS AND  
6                   FACILITIES.

7                   I WANT TO READ A PREPARED STATEMENT  
8                   ON THIS ITEM BECAUSE THIS IS PART OF A PUBLIC  
9                   HEARING.   TODAY WE ARE PROVIDING A FORUM TO ACCEPT  
10                  PUBLIC TESTIMONY AS PART OF THE 45-DAY COMMENT  
11                  PERIOD FOR NONHAZARDOUS ASH REGULATIONS.   ORAL  
12                  COMMENTS WILL BE ACCEPTED UNTIL ALL INDIVIDUALS  
13                  HAVE HAD AN OPPORTUNITY TO SPEAK, AND ALL COMMENTS  
14                  WILL BE ADDRESSED IN WRITING AS PART OF THE  
15                  RULEMAKING RECORD WHICH IS AVAILABLE TO THE  
16                  PUBLIC.

17                  THE TRANSCRIPT, AS WELL AS ANY  
18                  EXHIBITS OR EVIDENCE PRESENTED AT THIS MEETING,  
19                  WILL BE INCORPORATED INTO THE RULEMAKING FILE AND  
20                  WILL BE REVIEWED PRIOR TO THE FINAL ADOPTION AND  
21                  APPROVAL BY THE CIWMB AND THE OFFICE OF  
22                  ADMINISTRATIVE LAW.

23                  COMMENTS REQUESTING TECHNICAL OR  
24                  CLARIFYING CHANGES WILL BE REFLECTED IN THE DRAFT  
25                  REGULATIONS BY DOUBLE UNDERLINING AND STRIKEOUT.



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1 PUBLIC HEARING FOR THE NONHAZARDOUS  
2 ASH OPERATIONS AND FACILITIES REGULATORY  
3 REQUIREMENTS WILL BE CLOSED AT THE END OF THIS  
4 AGENDA ITEM. PERSONS WISHING TO SUBMIT WRITTEN  
5 COMMENTS MAY DO SO BY DELIVERING THEIR COMMENTS  
6 DIRECTLY TO THE STAFF MANAGER, ALLISON REYNOLDS,  
7 BY 5 P.M. TODAY.

8 I'D LIKE TO MAKE A FEW COMMENTS  
9 BEFORE WE GO TO THE PUBLIC COMMENT ON THIS PERIOD.  
10 IN THE DIRECTION THAT WE WERE HEADING LAST WE  
11 VISITED THIS ITEM AND THE INSTRUCTION TO STAFF  
12 WERE TO MODIFY THE REGULATIONS -- AND ANY POINT I  
13 SAY SOMETHING WRONG, STAFF, IF YOU PLEASE CORRECT  
14 ME -- TO MODIFY THE PROPOSED REGULATIONS SO THAT  
15 BENEFICIAL USE OF NONHAZARDOUS ASH WOULD BE PLACED  
16 IN AN EXCLUSION TIER. THAT A FAIR STATEMENT?

17 THAT GENERALLY IS CONSIDERED TO BE  
18 THE AGRICULTURAL APPLICATION AND USE OF ASH FOR  
19 PURPOSES OF SOIL ENHANCEMENT. SINCE THAT MEETING  
20 WE HAVE RECEIVED A NUMBER OF COMMENTS THAT RAISE  
21 SOME ISSUES THAT MAY CAUSE US TO LOOK FURTHER AT  
22 THAT ENTIRE ITEM AND DIRECTION WHICH WE'RE MOVING.

23 SPECIFICALLY WE NOW HAVE COMMENT  
24 FROM THE DEPARTMENT OF FOOD AND AGRICULTURE,  
25 SOMETHING THAT I HAVE LONG SOUGHT BECAUSE IT'S MY





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1 BELIEF THAT IF REGULATION IN LAND APPLICATION OF  
2 ASH IS NEEDED, IT SHOULD BE NOT THE AUTHORITY OF  
A  
3 WASTE REGULATING AGENCY, BUT THE AUTHORITY OF THE  
4 DEPARTMENT OF FOOD AND AGRICULTURE AND, TO SOME  
5 EXTENT, THE STATE AND REGIONAL WATER BOARDS.

6 WE ALSO HAVE NEW COMMENT FROM THE  
7 FARM BUREAU ON THIS ISSUE. SO WE MAY FIND IN THE  
8 COURSE OF OUR PUBLIC HEARING TODAY PERHAPS MAKING  
9 A BIT OF A TURN AND GOING SOME DIFFERENT  
10 DIRECTION.

11 I THINK -- UNLESS THERE ARE  
COMMENTS

12 FROM MEMBERS, I THINK WE'LL GO TO THE PUBLIC  
13 HEARING ON THE REGULATION. AGAIN, JUST ASKING  
14 THAT YOU KEEP IN MIND THAT WE HAVE NOW HEARD FROM  
15 BOTH FOOD AND AG AND FROM THE FARM BUREAU ON THIS  
16 ITEM. I WAS GOING TO TRY TO GROUP THE  
COMMENTERS,

17 WHICH IS A LITTLE DIFFICULT, BUT I THINK -- WELL,  
18 LET'S HEAR FROM DR. MEYER FIRST. I THINK IT  
MIGHT

19 BE APPROPRIATE, AND THEN ASK THAT HE WOULD BE  
20 AVAILABLE ALSO AS OTHER COMMENTS COME UP IN THE  
21 MEETING.

22 DR. MEYER: THANK YOU AGAIN FOR THE  
23 OPPORTUNITY TO BE HERE WITH YOU THIS MORNING. I  
24 THINK YOU'VE RECEIVED COPIES OF MY LETTER WITH  
THE  
25 ATTACHED COMMENTS. I GUESS I'D LIKE TO JUST

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1 AFFIRM THE PROCESS AND MAYBE ASK A QUESTION AS TO  
2 WHAT'S GOING TO HAPPEN AFTER THE PEER REVIEW  
3 PROCESS THAT REALLY DEALS WITH SOME OF THE THINGS  
4 THAT I'M TALKING ABOUT, PARTICULARLY THE  
5 MOLYBDENUM AND SELENIUM LEVELS. SO I'LL ASK THAT  
6 QUESTION AT THE END.

7 NO. 1, I THINK THAT EVEN THOUGH THE  
8 FEDERAL 503 REGULATIONS HAVE BEEN UTILIZED,  
9 CERTAINLY THERE'S A LOT OF REASON, PARTICULARLY  
10 BECAUSE OF THE CHEMICAL NATURE OF THE MATERIAL,  
11 THAT THESE REGULATIONS DO NEED TO BE ALTERED  
12 BECAUSE OF THAT FACT. THEY WERE DESIGNED FOR ONE  
13 PURPOSE, AND WE CAN'T JUST ARBITRARILY PUT THEM  
14 OVER ON THE TOP OF A MATERIAL THAT IS QUITE  
15 DIFFERENT. SO THERE'S A BASIS THERE THAT WE NEED  
16 TO REEVALUATE THE ORIGINAL LEVELS BECAUSE THE  
17 INTENDED PURPOSE WAS -- WAS DIFFERENT.

18 I DO -- I PULLED JUST A FEW COMMENTS  
19 THAT I THINK SUPPORT SOME OF THE THINGS THAT I'VE  
20 PROPOSED IN THE DOCUMENT, PARTICULARLY WITH  
21 RESPECT TO THE COAL RESIDUES. THAT WAS A VERY  
22 EXTENSIVE REVIEW OF A LOT OF THE WORK,  
INCLUDING  
23 87 REFERENCES OF WORK THAT HAD BEEN DONE  
THROUGH-

24 OUT THE U.S. ON VARIOUS TYPES OF COAL. THE  
25 REFERENCE DOES INDICATE THAT SPECIFICS SUCH AS

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1 COAL SOURCE OR FUEL SOURCE, THE TYPE OF BURNING  
2 CHAMBER, AND ANY ADDITIONAL MATERIALS THAT ARE  
3 USED IN THE BURNING PROCESS CAN GREATLY ALTER THE  
4 CONCENTRATION. SO WE DO NEED TO BE AWARE OF THAT.

5 AND IN CALIFORNIA I THINK WE -- I'VE  
6 RECENTLY BECOME AWARE OF THE FACT THAT MANY OF OUR  
7 COAL PRODUCERS DO INJECT LIMESTONE, WHICH  
8 INCREASES THE LIMING CAPABILITY. WE DO NOT HAVE  
9 THE ACIDIFICATION EFFECT WHICH IS TRUE IN SOME  
OF  
10 THE COAL RESIDUE SOURCES THAT HAVE MUCH HIGHER  
11 SULFUR CONTENT. AND I BELIEVE, ALTHOUGH I  
CANNOT

12 SAY FROM ANALYSIS, LOOKING AT ANALYSIS, THAT  
THE  
13 MOLYBDENUM AND SELENIUM LEVELS IN THE ASHES IN  
14 CALIFORNIA WOULD BE OF A LOWER CONCENTRATION  
THAN

15 SOME OF THOSE THAT ARE REPORTED IN THIS  
RESEARCH

16 THAT I'VE PULLED FROM.

17 BUT IT DOES SUGGEST THAT THE  
18 ELEMENTS THAT WE'RE CONCERNED ABOUT, MOLYBDENUM  
19 AND SELENIUM, WILL USUALLY NOT ENDANGER THE  
PLANT

20 SPECIES IN TERMS OF GROWING THOSE PLANTS. IT'S  
21 THE SECOND USE, THE ANIMAL USE, OF THOSE PLANTS  
22 THAT I'M DIRECTING THE COMMENTS TO, AND A LOT  
OF  
23 OUR FOCUS ON THE USE OF ASH HAS BEEN ON THOSE  
24 CROPS THAT ARE USED BY ANIMALS.  
25 AND SO THAT'S THE PRIMARY  
CONCERN.

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1       AND I WOULD JUST ENCOURAGE THE BOARD'S  
2       REEVALUATION OF THIS AFTER THE PEER REVIEW  
PROCESS  
3       BECAUSE THAT'S SCHEDULED FOR LATER ON IN  
JANUARY,  
4       TO REEVALUATE THE LEVELS, PARTICULARLY  
MOLYBDENUM  
5       AND SELENIUM, AFTER THAT PEER REVIEW PROCESS.  
6                       IF NOT MY SUGGESTED LEVELS,  
PERHAPS  
7       A REVIEW COMMITTEE OR THROUGH THAT REVIEW  
PROCESS  
8       WE CAN ARRIVE AT DIFFERENT METALS THAT WOULD  
STILL  
9       BE CONSIDERED SAFE AND ACCEPTABLE BY BOTH AGRI-  
10      CULTURE AND THE INTEGRATED WASTE MANAGEMENT  
BOARD  
11      AND ALL INDIVIDUALS CONCERNED. SO THOSE ARE  
THE  
12      COMMENTS I REALLY HAVE.  
13                    MEMBER RELIS: MR. CHAIR, PERHAPS AT  
THIS  
14      TIME, SINCE THE PEER REVIEW MATTER HAS BEEN  
15      RAISED, THAT STAFF COULD UPDATE US ON THE  
STATUS

16       OF THAT EFFORT AND ESTIMATED TIME FRAME.

17               MS. RICE:   CERTAINLY.   WE INITIATED  
THE

18       PEER REVIEW PROCESS, I BELIEVE, ON NOVEMBER 15;  
IS

19       THAT CORRECT, ALLISON?

20               MS. REYNOLDS:   YES.

21               MS. RICE:   AND WE GAVE FOLKS, I  
BELIEVE,

22       UNTIL JANUARY 15TH OR SO TO PROVIDE INFORMATION  
IN

23       RESPONSE.

24               MS. REYNOLDS:   THAT WAS JANUARY 31ST.

25               MS. RICE:   JANUARY 31ST.   AFTER THAT  
TIME



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1 WE WOULD BE CONVENING MEETINGS TO HAVE SOME  
2 GIVE-AND-TAKE ABOUT THE INFORMATION AND DEVELOP  
3 THAT INFORMATION FURTHER. SO AFTER THE JANUARY  
4 31ST DEADLINE, THERE WASN'T A SPECIFIC TIME FRAME  
5 ESTABLISHED, BUT WE'D BE MEETING AS MUCH AS  
6 NECESSARY TO COME TO SOME CONSENSUS, IF POSSIBLE,  
7 AND BRING THE ISSUES BACK TO YOU.

8 YOUR DIRECTION WHEN WE HEARD THIS  
9 ISSUE SEVERAL MONTHS AGO WAS TO, IN A SENSE,  
10 UNHINGE IT FROM THE REGULATORY PROCESS, TO PROCEED  
11 WITH THE PEER REVIEW, AND DEPENDING UPON WHAT WE  
12 FIND, WHETHER THERE IS CONSENSUS AROUND AN  
13 APPROACH, WHETHER THERE IS SOMETHING YOU WISH TO  
14 ACT UPON, THAT YOU WOULD DEAL WITH THAT ISSUE AT  
15 THAT TIME. IF THESE ASH REGULATIONS HAD BEEN  
16 ADOPTED BY THAT TIME, YOU WOULD DETERMINE WHETHER  
17 YOU WANTED TO OPEN UP THE REGULATIONS AND DEAL  
18 WITH THE MOLYBDENUM AND SELENIUM STANDARDS.  
19 SORRY. I DID SO WELL WITH TADESE GABRE-HAWARIAT,  
20 I THOUGHT I COULD HANDLE THAT ONE.

21 IN ANY CASE I UNDERSTOOD YOUR  
22 DIRECTION TO BE THAT AT THAT TIME YOU WOULD  
23 DETERMINE WHETHER YOU WISH TO REOPEN THE  
24 REGULATIONS. IF, ON THE OTHER HAND, THE  
25 REGULATIONS HAVE NOT BEEN ADOPTED BY THAT POINT  
OR







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1 QUESTION WHY YOU WOULD HAVE ANY METAL LIMITS THEN.

2 I MEAN IF YOU HAVE SEVERAL THAT ARE APPLICABLE AND

3 THEN OTHERS THAT ARE SORT OF DANGLING, IT SORT OF

4 BRINGS THE POINT OF WHY HAVE THEM AT ALL, AND YET

5 IN SOME RESPECTS THERE'S A LOT OF BASIS FOR

6 HAVING -- IF THERE ARE ANY SERIOUS PROBLEMS, THEN

7 THEY OUGHT TO BE INCLUDED. AND SO THERE'S A GOOD,

8 I THINK, BASIS FOR HAVING A MAXIMUM LOADING RATE

9 IN THE REGULATIONS. SO I DON'T -- AND BECAUSE OF

10 THE NATURE, I THINK WE NEED TO EVALUATE AT LEAST

11 THE TWO METALS WE'VE FOCUSED ON.

12 CHAIRMAN FRAZEE: IF OUR REGULATORY

13 AUTHORITY ONLY EXTENDS TO DISPOSAL AND NOT

14 BENEFICIAL USE, THEN ARE WE CONCERNED WITH WHAT

15 THOSE LEVELS ARE IF THE MATERIAL IS REALLY

16 DISPOSED OF?

17 DR. MEYER: I'M NOT SURE THAT I WOULD BE

18 THE APPROPRIATE PERSON TO ASK THAT -- ANSWER THAT

19 QUESTION. IT WOULD PROBABLY HINGE ON WATER

20 QUALITY AND SEVERAL OTHER AGENCY ACTIONS.

21 CHAIRMAN FRAZEE: TRUE.

22 MEMBER RELIS: MR. CHAIR, MAYBE I

WOULD

23 OFFER ONE INSIGHT. WE HAVE ESTABLISHED THE

FACT

24 EARLIER THAT WE HAVE AUTHORITY TO DO THIS,  
AND I  
25 THINK WHAT WE'RE ABOUT TO HEAR TESTIMONY ON

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1       FURTHER IS SOME INPUT FROM CDFA REGARDING AN  
2       APPROACH THAT THEY MIGHT HAVE THAT WE -- THAT  
3       COULD BEAR ON HOW WE CHOOSE TO DEAL WITH THE  
4       AUTHORITY ISSUE. I THINK IT'S HARD TO TELL AT  
5       THIS POINT BASED ON THE FAST MOVING INPUT.

6               DR. MEYER: IF I MIGHT INTERRUPT, I THINK  
7       THIS IS AN AREA WHERE THE TWO AGENCIES REALLY NEED  
8       TO DEVELOP SOME KIND OF COOPERATIVE RELATIONSHIP  
9       AS TO HOW TO DEAL WITH THIS PROJECT OR THIS AREA  
10      THAT WE'RE IN. I DON'T QUESTION YOUR AUTHORITY.  
11      IT'S JUST THAT --

12             CHAIRMAN FRAZEE: IN MY BRIEF READING OF  
13      CDFA'S RESPONSE ON THIS ITEM, ONE OF THE  
14      SUGGESTIONS IS THAT WE SOMEHOW OR ANOTHER JOINTLY  
15      ADMINISTER THIS AREA, THAT WE ADOPT REGULATIONS  
16      THAT WOULD INVOLVE THEM. I THINK THAT GOES BACK  
17      TO THE AUTHORITY ISSUE ON OUR PART. IF MY  
18      CONTENTION IS A GOOD ONE AND WE SHOULD NOT BE IN  
19      THE BUSINESS OF REGULATING BENEFICIAL USE, THEN  
20      THAT TENDS TO THROW US OVER THE OTHER SIDE OF THAT  
21      LINE, AND WE'LL HAVE TO SEE HOW THAT ONE PLAYS  
22      OUT.

23             DR. MEYER: IN OTHER CASES THEY MAY  
24      RESPOND -- IF YOU ADOPT CERTAIN REGULATIONS, THEY  
25      MAY RESPOND IN LIKE MANNER AND ADOPT REGULATIONS





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1        THAT FILL IN THE GAPS WHERE THEY DEEM THAT THERE'S  
2        NOT ADEQUATE PROTECTION AND MAYBE ANOTHER  
3        ALTERNATIVE.

4                CHAIRMAN FRAZEE:    THANK YOU.

5                DR. MEYER:    THANK YOU FOR THE  
6        OPPORTUNITY.

7                CHAIRMAN FRAZEE:    LET'S HEAR FROM MARY  
8        ROSE REPINE OF CDFA.

9                MS. REPINE:    MORNING, CHAIRMAN FRAZEE,  
10       MEMBERS, AND STAFF.    THANK YOU FOR THE OPPORTUNITY  
11       TO COME AND SPEAK WITH YOU TODAY.    CDFA CERTAINLY  
12       COMMENDS THE INTEGRATED WASTE MANAGEMENT BOARD ON  
13       TACKLING THIS COMPLEX ISSUE, AND IT IS ALSO  
14       OBVIOUS CDFA ECHOES THE CONCERNS EXPRESSED BY THE  
15       CALIFORNIA FARM BUREAU IN THE LETTER THAT THEY  
16       SENT TO THE BOARD.    ALSO, WE STAND READY AND  
17       PREPARED TO WORK DILIGENTLY WITH YOU ON THESE  
18       REGULATIONS.

19                THE CALIFORNIA DEPARTMENT OF FOOD  
20       AND AGRICULTURE BELIEVES THERE IS A NEED FOR  
21       REGULATION OF LAND APPLICATIONS OF NONHAZARDOUS  
22       ASH ON AGRICULTURAL LAND.    HOWEVER, WE ARE OPPOSED  
23       TO SPECIFIC SECTIONS OF THE REGULATION WHEN THEY  
24       DON'T PROVIDE SUFFICIENT PROTECTION IF THEY GO  
25       INTO THE AGRICULTURAL RESOURCE WHICH COULD



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1       ADVERSELY IMPACT BOTH AGRICULTURE, AGRIBUSINESS,  
2       SUSTAINABLE AGRICULTURE, AND THE CONSUMING PUBLIC.  
3       AND, OF COURSE, AGRICULTURE PROVIDES ONE IN TEN  
4       JOBS IN THIS STATE.

5                       CDFA IS AWARE THERE IS A LACK OF  
6       SCIENTIFIC INVESTIGATION AVAILABLE IN THIS AREA,  
7       AS WE'RE SEEING FROM OUR PEER REVIEW AND MOVING  
8       TOWARDS THIS. AND THEREFORE, THAT IS A DIFFICULT  
9       KIND OF ISSUE TO DEAL WITH WHEN YOU ARE TRYING TO  
10      BASE SOUND POLICY. IN THE ABSENCE OF AVAILABLE  
11      SCIENCE, WE WOULD SUBMIT THAT THE ONLY WAY TOWARDS  
12      PROTECTION IS TO TAKE A CONSERVATIVE VIEW  
13      INITIALLY. AND THEN AS THE SCIENCE BECOMES VALID,  
14      TO MOVE TOWARDS HAVING INTERIM STANDARDS UNTIL WE  
15      GET TO WHERE WE NEED TO BE.

16                      AS EVERYONE HAS BECOME AWARE,  
17      PREVENTION IS MUCH LESS COSTLY TO THE TAXPAYER AND  
18      THE ENVIRONMENT AND THE AGRICULTURAL INDUSTRY THAN  
19      IS REMEDIATION. WHAT CDFA IS HOPING THAT CAN BE  
20      ACHIEVED IS A REGULATORY FRAMEWORK THAT PROVIDES  
21      PROTECTION TO THE AGRICULTURAL RESOURCES AND THE  
22      ENVIRONMENT AND AT THE SAME TIME TAKES CARE OF  
23      DEALING WITH THE ISSUES THAT WE ALL KNOW OF, WHICH  
24      IS, AS ALL CALIFORNIANS AND CDFA ARE AWARE OF, WE  
25      NEED TO LOOK AT WHEN THERE'S BENEFICIAL USE TO USE



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1 A PRODUCT AS OPPOSED TO JUST USING IT IN A  
2 LANDFILL.

3 THIS MATERIAL AND WHAT WE'RE TRYING  
4 TO LOOK AT AND WHERE WE'RE CONCERNED IS, FIRST OF  
5 ALL, THAT THE MATERIAL HAVE BENEFICIAL USE IN  
6 AGRICULTURE. IF IT DOESN'T, IT'S EXACTLY AS THE  
7 CHAIRMAN SAID, IT'S A DISPOSAL. SO IF IT DOES  
8 HAVE BENEFITS, THERE NEEDS TO BE STANDARDS  
9 ASSOCIATED WITH THE MATERIAL, WHICH IS AGAIN WHAT  
10 WE'RE TALKING ABOUT WITH DR. MEYERS.

11 SECONDLY, THAT THE MATERIAL BE  
12 TESTED PRIOR TO BEING APPLIED TO AGRICULTURAL LAND  
13 SO WE KNOW WHAT THE CONSTITUENTS ARE AND THAT WHEN  
14 IT HAS AN AGRONOMIC VALUE, THAT IT BE APPLIED IN  
15 AN AGRONOMIC WAY. AGAIN, PROTECTION TOWARD THE  
16 RESOURCE. THE MATERIAL BE APPLIED IN CONSULTATION  
17 WITH A CERTIFIED AGRONOMIST OR A CERTIFIED SOIL  
18 SCIENTIST OR A CERTIFIED CROP ADVISOR. THAT IS  
19 NOT UNLIKE OTHER CHEMICAL INPUTS THAT ARE USED IN  
20 PRODUCTION AGRICULTURE; I.E., FERTILIZER OR  
21 PESTICIDES. AND THAT THE ASH INDUSTRY PROVIDE A  
22 BEST PRACTICES MANUAL THAT WILL BE PEER REVIEWED.

23 PROPOSING DOING THIS CAN BE DONE IN  
24 EITHER OF TWO WAYS, AS CHAIRMAN FRAZEE POINTED  
25 OUT. WE CAN EITHER DO IT BY LOOKING AT THE



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1       CURRENT REGULATIONS THAT ARE PROPOSED AND LOOKING  
2       AT THOSE SECTIONS WHICH WE THINK AS CDFA NEED TO  
3       HAVE A LITTLE MORE, SHALL WE SAY, TIGHTENING OR  
WE  
4       CAN USE IT BY USING THE ALREADY EXISTING CDFA  
5       PROCEDURE WHICH ENTAILS THE COUNTY AGRICULTURAL  
6       COMMISSIONERS IN A VERY STRAIGHTFORWARD FRAMEWORK  
7       AS WE DO WITH REGULATING OTHER TYPES OF  
MATERIALS.

8       SO WHATEVER MOVES US TOWARDS THAT IS CERTAINLY  
9       AMENABLE TO CDFA.   THANK YOU.

10               CHAIRMAN FRAZEE:   WE MAY HAVE A QUESTION  
11       OR TWO.

12               MEMBER RELIS:   I THINK WE WILL.   I'LL  
13       WAIT.

14               CHAIRMAN FRAZEE:   WOULD YOU REMAIN UP  
FOR  
15       JUST A MOMENT.   THE -- HELP ME WITH AN  
16       UNDERSTANDING OF THE APPLICATION OF OTHER  
17       FERTILIZERS AND SOIL AMENDMENTS.   TO WHAT DEGREE  
18       DOES CDFA REGULATE THOSE?

19               MS. REPINE:   CHAIRMAN FRAZEE, I HAVE AN  
20       EXPERT FROM THE FERTILIZER SECTION TODAY, WHO  
21       ACTUALLY DOES THAT TYPE OF WORK.   SO I THOUGHT IT  
22       MIGHT BE HELPFUL TO BRING AN EXPERT.   LESLEE,

23        WOULD YOU COME FORWARD AND PLEASE IDENTIFY  
24        YOURSELF FOR THE RECORD.  
25                MS. NEWTON-REED:   MY NAME IS LESLEE



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1       NEWTON-REED.   I WORK AS A REGISTRATION SPECIALIST  
2       FOR THE FEED AND FERTILIZER PROGRAM OF THE  
3       CALIFORNIA DEPARTMENT OF FOOD AND AGRICULTURE.

4                       AND WOULD YOU REPEAT YOUR QUESTION?

5                       CHAIRMAN FRAZEE:   I'M JUST WONDERING ON  
6       OTHER ITEMS THAT ARE USED EITHER AS A FERTILIZER  
7       OR -- AND/OR SOIL AMENDMENT, TO WHAT DEGREE DOES  
8       CALIFORNIA FOOD AND AGRICULTURE REGULATE THE  
9       APPLICATION OF THOSE?

10                      MS. NEWTON-REED:   WE DON'T ACTUALLY  
11       REGULATE THE APPLICATION OF PRODUCTS, FERTILIZING  
12       MATERIALS.   WE DO REGULATE THAT THEY BE LICENSED  
13       WITH US AND THAT THEY BE LABELED APPROPRIATELY AND  
14       HAVE CERTAIN GUARANTEES OR AT LEAST HAVE, IN THE  
15       CASE OF A PACKAGED SOIL AMENDMENT -- WELL,  
16       ACTUALLY WE ONLY REGULATE PACKAGED SOIL AMEND-  
17       MENTS.   THEY HAVE A LIST OF INGREDIENTS OF WHAT'S  
18       IN THERE, AND THEY CAN'T HAVE ANY GUARANTEES FOR  
19       NUTRIENTS ON THEM.

20                      MS. REPINE:   SO, LESLEE, WE'RE  
21       DEMONSTRATING THE EFFICACY -- IF THEY MAKE A  
22       CLAIM, AN EFFICACY CLAIM, THEY MUST MEET THE  
23       EFFICACY CLAIM.   AND IF THEY SAY THIS IS WHAT THE  
24       PRODUCT IS, THE PRODUCT MUST BE WHAT IS LABELED;  
25       IS THAT CORRECT?



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1 MS. NEWTON-REED: YES.

2 MS. REPINE: NOW, YOU DO TESTING ON THESE  
3 PRIOR TO GIVING A LABEL WHERE THE INDUSTRY  
4 PROVIDES AN ASSESSMENT FOR THE TESTING AND THE  
5 LIKE.

6 CHAIRMAN FRAZEE: COULD WE GET YOU ON THE  
7 RECORD HERE?

8 MEMBER RELIS: I THINK THAT SOUNDS LIKE A  
9 RHETORICAL QUESTION.

10 MS. REPINE: WHAT WE DO IS TO MAKE SURE  
11 THAT WHAT THE PRODUCT IS CLAIMING AS ITS EFFICACY  
12 IS INDEED CLAIMED, WHAT THE MATERIAL SAYS IT IS,  
13 IS INDEED WHAT THE MATERIAL IS. THE LAB CERTIFIES  
14 THIS, THE INDUSTRY PAYS THIS, THE LABEL IS  
15 PROVIDED THAT SPELLS OUT WHAT THE INGREDIENTS IS,  
16 SPELLS OUT WHAT THE CLAIMS ARE, AND IT GIVES ANY  
17 DISCLAIMERS THAT MIGHT BE THERE. THAT'S HOW WE GO  
18 THROUGH THE REGULATION. AND WE ALSO ENFORCE THIS  
19 TOO. WE HAVE AN INSPECTOR, WE HAVE AN ENFORCEMENT  
20 PROGRAM.

21 NOW, IN PESTICIDES WE TREAT THAT  
22 SOMEWHAT DIFFERENTLY. THAT IS A HIGHLY  
23 REGULATED --

24 CHAIRMAN FRAZEE: YES, I KNOW. IF YOU  
25 HAD A PRODUCT, TAKE COAL ASH FOR EXAMPLE, AND IT



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1 WAS PLACED IN A BAG WITH A CHEMICAL ANALYSIS ON  
2 THE SIDE OF THAT BAG, YOU LOOK AT THAT FROM THE  
3 STANDPOINT OF DOES THIS DO WHAT THE PRODUCER  
4 CLAIMS IT DOES. BUT DO YOU ALSO LOOK AT IT FROM  
5 THE FACT THAT IN READING THAT ANALYSIS AND ALL OF  
6 A SUDDEN JUMPS OUT AT YOU EXCESSIVELY HIGH LEVELS  
7 OF MOLYBDENUM AND SELENIUM OR SOMETHING LIKE THAT  
8 AND SAY, "HEY, WAIT A MINUTE. THIS SHOULDN'T BE  
9 APPLIED IN SOIL." IS THAT -- DOES YOUR

REGULATION

10 GO THAT FAR?

11 MS. REPINE: NO. BECAUSE WE'RE  
PROVIDING

12 A LABEL FOR -- THIS -- A CLAIM OF A FERTILIZING  
13 MATERIAL. YOU KNOW, WE'RE REGULATING  
FERTILIZERS.

14 I'M NOT QUITE SURE WHETHER THE ASH INDUSTRY IS  
15 LOOKING AT THIS AS A FERTILIZER OR AS AN  
16 AGRICULTURAL NUTRIENT. PERHAPS SOMEONE FROM THE  
17 ASH INDUSTRY CAN MAKE ME AWARE OF THAT.

18 CHAIRMAN FRAZEE: MY UNDERSTANDING OF --  
19 WE'RE GOING TO HEAR FROM A NUMBER OF THESE PEOPLE  
20 AND PERHAPS THEY'LL RESPOND. BUT IN APPLYING  
21 EITHER BIOMASS OR COAL ASH, IT HAS SOME OF BOTH.  
22 IT HAS THE SOIL AMENDMENT PART OF IT AND IMPROVES

23        WATER HOLDING QUALITIES AND VARIOUS SOIL IMPROVE-  
24        MENTS, BUT ALSO HAS SOME NUTRIENT CONSTITUENTS TO  
25        IT.

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1                   MS. NEWTON-REED:   RIGHT.   AND IT WOULD  
2   DEPEND ON HOW THEY ARE SELLING IT OR WHAT THEY'RE  
3   CLAIMING IT CONTAINS AS TO HOW WE WOULD REGULATE  
4   IT.

5                   CHAIRMAN FRAZEE:   BUT NOWHERE CURRENTLY  
6   DOES FOOD AND AG REQUIRE A SPECIFIC PERMIT OR  
7   APPLICATION OR CERTIFICATION WHEN THE APPLICATOR  
8   AS IT RELATES TO A SPECIFIC PIECE OF LAND OR FOR  
9   ANY SOIL -- WELL, LIMING AGENT.

10                  MS. REPINE:   NO.   NO.

11                  MEMBER RELIS:   WELL, SINCE YOU'RE HERE, I  
12   THINK, MS. REPINE, I'M GOING TO ASK YOU A COUPLE  
13   OF QUESTIONS JUST SO I'M CLEAR.   WE JUST GOT THIS  
14   LETTER 4 O'CLOCK OR THEREABOUTS.

15                  MS. REPINE:   RIGHT.   AND I APOLOGIZE FOR  
16   THAT, BUT WE'VE BEEN ACTUALLY TRYING TO WORK  
17   THROUGH HOW WE'RE GOING TO DO THIS.

18                  MEMBER RELIS:   IT'S FAIRLY BIG ISSUE  
19   HERE, SO LET ME JUST ASK A COUPLE OF QUESTIONS.  
20   THIS -- THE FIRST IS IS CDFA PROPOSING THAT  
21   INSTEAD OF ONE OPTION, INSTEAD OF THE BOARD DOING  
22   THIS, THAT YOU WOULD DEVELOP A REGULATORY PACKAGE  
23   OR A PROCEDURE?   AND IF SO, I GUESS THIS IS A  
24   QUESTION OF MYSELF AND MAYBE JUST INTERNALLY, WHAT  
25   DOES THIS IMPLY FOR UPCOMING BOARD REGULATORY





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1       EFFORTS BECAUSE WE HAVE BIOSOLIDS AND OTHER ISSUES  
2       DOWN THE LINE, BIG ONES?

3               MS. REPINE:   THAT'S WHAT WE WERE HOPING  
4       FOR IS THAT A GENERAL FRAMEWORK COULD BE USED.  
5       YOU KNOW, A GENERIC FRAMEWORK THAT REGARDLESS OF  
6       WHAT THE MATERIAL THAT WAS COMING IN, AS IT  
7       AFFECTED AGRICULTURE, THAT IT COULD ALWAYS BE  
8       TREATED IN THE SAME MANNER.

9               MEMBER RELIS:   SO YOU'RE LOOKING AT A  
10       GENERIC APPROACH --

11              MS. REPINE:   RIGHT.   WHICH ASH IS ONE --

12              MEMBER RELIS:   -- THAT -- GOVERNING THE  
13       INTERFACE BETWEEN OUR ACTIVITIES AND THE APPLI-  
14       CATION TO AGRICULTURAL USE.

15              MS. REPINE:   ABSOLUTELY.

16              MEMBER RELIS:   SO ONE OPTION, I WOULD  
17       GATHER FROM THAT, IS THAT YOU MIGHT BE LOOKING TO  
18       US TO RECONFIGURE WHERE WE'RE HEADED PRESENTLY TO  
19       ACCOMMODATE THAT TYPE OF SYSTEM.

20              MS. REPINE:   AS ONE OPTION.   WE WERE  
21       SIMPLY PROVIDING TWO OPTIONS OF WAYS WE COULD DO  
22       THIS.   WE COULD EITHER DO THAT AS ONE FORMAT AND  
23       MOVE IT FORWARD, OR WE CAN LOOK AT THE CURRENT  
24       REGULATIONS THAT YOU HAVE, AND THEN PROPOSED IN  
25       OUR SECOND SECTION THE THINGS WE HAD WHICH WERE



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1 PROBLEMS WHICH WE VIEW FROM AN AGRICULTURAL  
2 STANDPOINT WITH THOSE REGULATIONS THAT COULD BE  
3 ENHANCED IF THOSE CHANGES WERE MADE.

4 MEMBER RELIS: OKAY. AND IN LINE WITH  
5 THIS, I'M NOT THAT FAMILIAR WITH HOW THE  
6 AGRICULTURAL COMMISSIONER'S OFFICE WORKS. DO THEY  
7 GET INVOLVED IN REGULATORY-TYPE REVIEW?

8 MS. REPINE: YES. IN FACT, THEY ARE THE  
9 ENFORCEMENT ARM FOR THE DEPARTMENT OF PESTICIDE  
10 REGULATION. WHEN IT COMES TO PESTICIDE  
11 REGULATIONS, FOR EXAMPLE, IF YOU ARE FAMILIAR WITH  
12 THE RECENT SPECIAL SESSION THAT WE HAD ON METHYL  
13 BROMIDE, WHICH I, UNFORTUNATELY, PREPARED THE  
14 REPORT FOR, THE COUNTY AGRICULTURAL COMMISSIONERS  
15 WERE QUITE IN THE FOREFRONT THERE BECAUSE THERE  
16 THEY CALCULATE THE BUFFER ZONES FOR THE  
17 APPLICATION OF METHYL BROMIDE. THEY CALCULATE  
18 REGULATORY PERMITS, FOR EXAMPLE, WHEN WE BROUGHT  
19 T-LUNG BACK TO USE ON STRAWBERRIES WHICH IS A VERY  
20 TOXIC TYPE OF CHEMICAL BECAUSE IT WAS NECESSARY  
21 FOR CERTAIN AGRICULTURAL USES. WE DID IT IN A  
22 STEWARDSHIP PROGRAM MANAGED BY THE COUNTY AGRI-  
23 CULTURAL COMMISSIONERS THROUGH THE DEPARTMENT OF  
24 PESTICIDE REGULATION.

25 SO THEY'RE OUR ON-SITE PERSON. THEY



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1       KNOW THAT AREA.  THEY KNOW WHAT'S GOING ON IN THAT  
2       PARTICULAR SOIL.  THEY MAKE EVALUATIONS ALL THE  
3       TIME ON REGULATORY-TYPE ISSUES.  THEIR STRUCTURE  
4       IS THEY HAVE PART OF THEIR REGULATORY AUTHORITY  
5       THROUGH DPR.  THEY HAVE THEIR OWN BOARDS AND THE  
6       LIKE.  SO THAT'S THEIR STRUCTURE.

7               MEMBER RELIS:  OKAY.  THAT'S ALL.

8               CHAIRMAN FRAZEE:  QUESTIONS?

9               MR. BLOCK:  CHAIRMAN FRAZEE, COULD I ASK  
10      A QUESTION ACTUALLY.  JUST FOR CLARIFICATION,  
11      SINCE WE HAVE TO DEAL WITH REGS.  THE QUESTION I  
12      WOULD HAVE IS, BECAUSE YOU PROPOSED A COUPLE OF  
13      DIFFERENT POSSIBILITIES, AS WE -- RIGHT NOW DOES  
14      THE DEPARTMENT OF FOOD AND AGRICULTURE HAVE THE  
15      AUTHORITY TO ESTABLISH THE REQUIREMENTS THAT ARE  
16      INDICATED IN YOUR SECTION ONE OF YOUR LETTER?  IN  
17      OTHER WORDS, REQUIRE, IN A SENSE, AN APPROVAL BY  
18      THE COUNTY AG COMMISSIONERS FOR LAND APPLICATION  
19      OF ASH?  DID YOU ESTABLISH THOSE REGULATIONS?

20              MS. REPINE:  WELL, WE WOULD NOT HAVE --  
21      WE COULD DERIVE OUR LEGISLATIVE AUTHORITY THROUGH  
22      WORKING WITH YOU ALL.  WE REGULATE FERTILIZER  
23      UNDER FEED AND FERTILIZER REGULATION.  AS TO  
24      WHETHER WE WOULD HAVE SPECIFIC UNDER -- I GUESS  
25      YOU COULD LOOK AT SECTION 401 AND STATE THAT THAT



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1 HAS PROMOTION OF AGRICULTURE. BUT SPECIFICALLY  
2 LEGISLATION THAT STATES THAT, I WOULD SAY, NO, WE  
3 PROBABLY DO NOT HAVE THAT IN THAT MANNER.

4 MR. BLOCK: OKAY. THAT WAS THE REASON I  
5 WANTED TO ASK THAT QUESTION BECAUSE WE'RE TRYING,  
6 I THINK, TO CLARIFY WHAT IT IS THAT YOU'RE REALLY  
7 LOOKING FOR FROM THE BOARD. AS I READ SECTION  
8 ONE, IT SEEMS TO INDICATE THAT YOU'RE TALKING  
9 ABOUT SETTING UP YOUR OWN APPROVAL PROCESS, WHICH  
10 THE BOARD COULD SIMPLY USE AS ITS THRESHOLD  
11 INSTEAD OF ESTABLISHING ITS OWN.

12 MS. REPINE: RIGHT. OR YOU COULD GIVE  
13 US, THROUGH YOUR REGULATIONS, THE AUTHORITY  
14 STATING THAT CDFA WILL DO THE FOLLOWING.

15 MR. BLOCK: WELL, THAT'S AN INTERESTING  
16 QUESTION. I'M NOT SURE THAT WE CAN DO THAT.

17 MS. REPINE: WELL, YOU CAN HAVE A -- YOU  
18 CAN DETERMINE THAT YOU HAVE --

19 MR. BLOCK: I'M NOT SAYING YOU CAN'T.  
20 THIS IS A BRAND NEW ISSUE TO ME THIS MORNING.

21 MS. REPINE: RIGHT. THIS IS AN OPTION.  
22 WHAT WE'RE TRYING TO DO IS MAKE SURE THAT WE DON'T  
23 HAVE A CUMBERSOME REGULATORY PROCESS FOR THE ASH  
24 INDUSTRY. IF THIS IS A BENEFICIAL USE FOR  
25 AGRICULTURE, THEN WE NEED TO MAKE SURE THAT





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1       THERE'S NOT OVERBURDENSOME -- I MEAN, FOR EXAMPLE,  
2       WE'RE NOT SAYING EVERY LOAD NEEDS TO BE TESTED.  
3       THEN WE'RE TRYING TO SAY, OKAY, GIVEN THAT IF  
4       WE'RE GOING TO USE THIS IN A BENEFICIAL USE  
5       MANNER, JUST AS WE USE OTHER BENEFICIAL INPUTS TO  
6       AGRICULTURE, HOW DO WE ENSURE THAT HAPPENS?  ONCE  
7       WE HAVE THAT FRAMEWORK IN MIND, THEN GO FORWARD  
8       FROM THERE.

9               MR. BLOCK:  I UNDERSTAND THAT, AND I'M  
10       THINKING MORE JUST THE LEGAL AND LOGISTICAL  
11       ISSUES.

12               THE OTHER QUESTION I WANTED TO ASK,  
13       BECAUSE OF THE DISCUSSION THAT WE'RE JUST HAVING,  
14       WAS ABOUT THE REQUIREMENTS FOR TESTING AND  
15       LABELING AND THE LIKE.  THE PROPOSED REGULATIONS  
16       THAT WE HAVE RIGHT NOW, ONE OF THE REQUIREMENTS  
17       FOR LAND APPLICATION BEING EXCLUDED, IT  
18       INCLUDES -- LET'S SEE.  LAND APPLICATION IS  
19       EXCLUDED AND THERE'S A NUMBER OF THINGS LISTED.  
20       AND ONE OF THOSE IS IN COMPLIANCE WITH CALIFORNIA  
21       DEPARTMENT OF FOOD AND AGRICULTURE REGULATIONS  
22       FOR  
23       APPLICABLE REGISTRATION, LABELING, AND  
24       APPLICATION  
25       REQUIREMENTS RELATING TO LICENSED MANUFACTURERS

OR

24 DISTRIBUTORS OF AGRICULTURAL MINERALS, LIMING  
25 AGENTS, AND/OR FERTILIZING MATERIALS.

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1                   AND WHAT HAS BEEN STATED TO US, TO  
2     THE BOARD, TO THE COMMITTEE IN PAST HEARINGS AND  
3     WORKSHOPS IS THAT THE ASH MATERIALS THAT ARE PART  
4     OF THIS DISCUSSION ARE ALL EITHER REGISTERED  
5     AGRICULTURAL MINERALS OR SOIL AMENDMENTS. AND SO  
6     THE QUESTION --

7                   MS. REPINE: AGAIN, I WOULD ASK LESLEE.  
8     DO YOU HAVE A LABEL FOR AN ASH REGULATION? DO YOU  
9     HAVE A LABEL WITH YOU TODAY FOR ASH THAT'S  
10    CURRENTLY BEING REGULATED?

11                  MS. NEWTON-REED: NOT WITH ME. BUT I  
12    HAVE SEEN THEM, YES. AND ALL THEY NEED IS A  
13    LICENSE. BECAUSE THEY'RE SELLING BULK AGRI-  
14    CULTURAL MINERALS, ALL THEY NEED IS A LICENSE.  
15    THEY ALSO NEED A LABEL TOO, BUT IT DOESN'T HAVE  
16    TO  
17    BE REGISTERED.

18                  MS. REPINE: WE DON'T REGISTER; WE  
19    LABEL.

20                  MS. NEWTON-REED: THERE ARE SOME LABELS  
21    THAT NEED TO BE REGISTERED.

22                  MR. BLOCK: SO TO THEN JUST FOLLOW ON,  
23    WHEN THE DISCUSSION EARLIER THAT -- THE  
24    STATEMENTS

25    EARLIER THAT WE WERE MAKING ABOUT REQUIRING

23 TESTING AND LABELING AND THE LIKE IS SOMETHING

NEW

24 THAT YOU DON'T DO NOW.

25 MS. REPINE: WE DON'T CURRENTLY DO THIS

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1       ON -- WE LABEL SOME ASH. WE DO HAVE ASH LABELS.

2               MS. NEWTON-REED: YES. YES. THERE ARE  
3 COMPANIES THAT ARE LICENSED WITH OUR DEPARTMENT,  
4 AND THEY'RE SELLING PRODUCTS. AND EVERY LOAD HAS  
5 TO BE LABELED, AND IT IS CURRENTLY.

6               MS. REPINE: ASH?

7               MS. NEWTON-REED: YES.

8               MR. BLOCK: AND ONE LAST POINT. I  
9 APOLOGIZE, CHAIRMAN, FOR TAKING SO MUCH TIME IN  
10 HERE. AGAIN, GET BACK TO THE LEGAL ISSUE THEN.  
11 IN TERMS OF THE LABELING ISSUE, YOU INDICATED THAT  
12 YOU DON'T -- YOU DO THOSE FOR -- HAVE THOSE  
13 REQUIREMENTS FOR SOME MATERIALS, NOT FOR OTHER.

14              MS. REPINE: RIGHT.

15              MR. BLOCK: DOES THE DEPARTMENT OF FOOD  
16 AND AGRICULTURE HAVE THE AUTHORITY TO ADD SOME  
17 ADDITIONAL REQUIREMENTS WITHIN ITS EXISTING  
18 LABELING REGISTRATION FRAMEWORK?

19              MS. REPINE: YEAH, FOR LABELING.

20              MS. NEWTON-REED: NO PROBLEM. THAT'S  
21 REGULATION. THAT WOULD BE BY REGULATION.

22              MS. REPINE: HOW THE PRODUCT IS SOLD OR  
23 MARKETING DETERMINES HOW WE FALL INTO IT.

24              MR. BLOCK: AND THEN THAT'S THE SAME OR  
25 DIFFERENT DEPENDING ON WHETHER IT'S PACKAGED



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1       VERSUS BULK?

2               MS. REPINE:   THIS IS VERY, VERY COMPLEX.

3               MS. NEWTON-REED:  IT IS KIND OF CON-

4       FUSING.  I'M SORRY.  SOME OF THE REGULATIONS ARE

5       KIND OF CONFUSING, AND IT BASICALLY DEPENDS ON

HOW

6       THE PRODUCT IS CLASSED AND THEN FIRST BULK AND

7       PACKAGED.

8               THE ASH THAT WE -- THAT WE REGULATE

9       NOW IS SOLD AS A BULK AGRICULTURAL MINERAL.  AND

10      THE COMPANY DOES HAVE A LICENSE AND DOES HAVE TO

11      LABEL EACH LOAD.  THE LABEL DOES NOT NEED TO BE

12      REGISTERED, BUT IT MUST MEET OUR REGULATIONS FOR

13      LABELING.  AND IT DOES OR AT LEAST THE ONES I'VE

14      SEEN DO.

15              CHAIRMAN FRAZEE:  AND THOSE LABELS ARE

16      ESSENTIALLY A CHEMICAL ANALYSIS OF --

17              MS. NEWTON-REED:  YES.  THEY GUARANTEE,

I

18      THINK, POTASH AND CALCIUM.

19              CHAIRMAN FRAZEE:  DO THEY GO INTO

METALS?

20              MS. NEWTON-REED:  NO.

21              MR. BLOCK:  I'M DONE.  AGAIN, I WANT TO

22      APOLOGIZE FOR TAKING THAT MUCH TIME TO ASK THOSE

23       QUESTIONS.

24               MEMBER RELIS:   ONE FURTHER QUESTION.   IN  
25       YOUR, WE'LL CALL IT A, CONCEPT AT THIS POINT, A



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1 REGULATORY CONCEPT. I DON'T WANT TO PUT IT IN  
2 ANYWHERE OTHER THAN THAT AT THE MOMENT. BUT HAVE  
3 YOU GIVEN THOUGHT AS TO WHAT WOULD BE ENTAILED  
4 TIMEWISE TO PUT YOUR CONCEPT IN PLACE BECAUSE  
5 YOU'D HAVE TO -- THERE'S AGRICULTURAL COMMIS-  
6 SIONERS, THERE'RE FEES, WHICH I UNDERSTAND --

7 MS. REPINE: ASSESSMENTS.

8 MEMBER RELIS: ASSESSMENTS, RATHER.  
9 SOUNDS MORE BENIGN. WHAT IS YOUR IDEA THERE?

10 MS. REPINE: THE IDEA WOULD BE FOR  
11 TESTING LOADS JUST AS WE TEST NOW FOR OTHER  
12 FERTILIZERS, FEE FOR SERVICE BASIS. AND AS WAS  
13 EXPLAINED IN THE LAST WORKSHOP THAT WE HAD BY THE  
14 GENTLEMAN WHO WAS DISCUSSING WOOD ASH, HIS FUEL  
15 SOURCE DOESN'T CHANGE, SO THE LIKELIHOOD IS THIS  
16 IS NOT GOING TO CHANGE OVER TIME, SO WE WOULD NOT  
17 ASK THAT HE BE RETESTED UNLESS HIS FUEL SOURCE  
18 CHANGED, IN WHICH CASE THEN IT MAY BE DIFFERENT.  
19 SO, THEREFORE, IT WOULDN'T BE A BY-LOAD TYPE  
20 THING, SO IT WOULDN'T BE SO BURDENSOME IN  
21 PROVIDING TESTING, SO A FEE FOR SERVICE ON THAT.

22 MEMBER RELIS: THAT'S ONE INSTANCE. OF  
23 COURSE, WE'RE THINKING ABOUT THE WHOLE GALAXY.

24 MS. REPINE: RIGHT. THAT'S THE TESTING  
25 OPTION. AND THEN FOR THE ACTUAL MONITORING



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1       OPTION, THAT THE TIME ASSOCIATED WITH THE  
2       AGRICULTURAL COMMISSIONER TO REVIEW WHAT THE  
3       CERTIFIED CROP ADVISOR, CERTIFIED AGRONOMIST, OR  
4       CERTIFIED SOIL SCIENTIST, WHICHEVER PROFESSIONAL  
5       WAS BEING USED BECAUSE THE REGULATION CURRENTLY  
6       PROPOSES ANY OF THOSE THREE, AND THE TIME  
7       ASSOCIATED WITH HIM TO REVIEW THAT AND TO REVIEW  
8       THE CHEMICAL ANALYSIS OF THAT PARTICULAR LOAD TO  
9       SEE THAT IT WAS APPROPRIATE FOR THAT PARTICULAR  
10      LAND APPLICATION.

11               MEMBER RELIS:   AND THAT TIME, DID YOU  
12      HAVE A --

13               MS. REPINE:   NO, WE DIDN'T DO A TIME  
14      ESTIMATE.

15               MEMBER RELIS:   ALL RIGHT.   THANK YOU.

16               CHAIRMAN FRAZEE:  THANK YOU.

17                       AT THIS POINT THOSE WHO WISH TO  
18      SPEAK FALL GENERALLY INTO TWO CATEGORIES, THOSE  
19      REPRESENTING VARIOUS ENTITIES THAT ARE INVOLVED  
20      IN  
21      THE PRODUCTION OF ASH AND THOSE WHO HAVE OTHER  
22      REGULATORY CONCERNS.   I THINK WE'LL GO THROUGH  
23      IN  
24      NO SPECIFIC ORDER THE INDUSTRIES THAT HAVE AN  
25      INTEREST IN THIS ITEM.   AND LET'S START WITH

KEVIN

24 THOMAS, REPRESENTING OFFSET AGRICULTURAL  
25 INDUSTRIES.

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1                   MR. THOMAS:   GOOD MORNING.   I'M KEVIN  
2   THOMAS FROM MERCED, CALIFORNIA.   I HAVE SPECIFIC  
3   QUESTIONS AS TO SOME OF THE PROPOSED REGULATIONS  
4   AS FAR AS AGRONOMIC USE OF ASH.

5                   SOME OF THE PROPOSED REQUIREMENTS IN  
6   HANDLING OF THE ASH INCLUDE INCORPORATION WITHIN  
7   FOUR DAYS OF APPLICATION.   THERE ARE SEVERAL  
8   INSTANCES WHERE ASH AND OTHER FERTILIZER MATERIALS  
9   THAT ARE USED ARE APPLIED INTO CROPS THAT ARE  
10  NONCULTIVATION; I.E., ALFALFA, EXISTING ALFALFA,  
11  NONCULTIVATED ALMONDS, AND SEVERAL OTHER PRODUCTS,  
12  RANGE LAND FOR NUTRITION OF GRAZE LAND, WHATNOT.

13                  THESE ARE ALL AREAS WHERE  
14  INCORPORATION IS NOT REALISTIC OR POSSIBLE, BUT  
15  BECAUSE IT GOES AGAINST THEIR SPECIFIC FARMING  
16  GAME PLANS.

17                  I HAVE QUESTIONS ABOUT THE SELENIUM  
18  CONTENT.   THERE'S IN EXCESS OF THREE-QUARTERS OF A  
19  MILLION ACRES IN THE CENTRAL VALLEY THAT ARE  
20  SELENIUM DEFICIENT, AND THE SELENIUM FOUND IN THE  
21  ASH IS A BENEFICIAL BY-PRODUCT.

22                  I'M CONCERNED ABOUT TAKING -- I'VE  
23  BEEN INVOLVED IN HANDLING ASH SINCE 1989, AND WE  
24  HAVE ALWAYS HANDLED ASH AS A FERTILIZER MATERIAL  
25  LICENSED AND LABELED THROUGH THE DEPARTMENT OF



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1       FOOD AND AGRICULTURE, FEED AND FERTILIZER  
2       DIVISION.  AND WE'VE USED IT EXCLUSIVELY IN  
3       AGRICULTURAL OPERATIONS AS A BENEFICIAL FERTILIZER  
4       PRODUCT, WHETHER IT WAS FOR THE FERTILIZER VALUE  
5       IN THE POTASH OR POTASSIUM VALUES.

6               MEMBER RELIS:  THIS IS ALL BIOMASS ASH?

7               MR. THOMAS:  BIOMASS AND COAL ASH BOTH.

8               I MIGHT MAKE A NOTE THAT WOOD ASH  
9       HAS MORE VARIABLES IN IT THAN COAL ASH DOES.

COAL

10       ASH IN THE STATE OF CALIFORNIA IS VERY  
CONSISTENT,

11       AND THE HEAVY METAL NUMBERS INVOLVED WITH COAL  
ASH

12       HAVE BEEN RELATIVELY FIXED FROM THE BEGINNING  
OF

13       THEIR PRODUCTION.  AND WE FIND THOSE NUMBERS  
TO BE

14       THE SAME AS WHAT YOU FIND NATURALLY OCCURRING  
IN

15       SOIL.

16               WE HAVE TO DO -- BE A LITTLE BIT  
--

17       PAY MORE ATTENTION TO OUR WOOD ASH SOURCES AS  
IN

18 DIFFERENT DEMOLITION PROJECTS AND WHATNOT, YOU  
DO  
19 HAVE A LITTLE BIT OF VARIANCE, BUT WE'VE VERY  
20 RARELY SEEN ANYTHING THAT EXCEEDS TITLE 22  
21 REGULATIONS AS TO HAZARDOUS VERSUS  
NONHAZARDOUS  
22 MATERIALS.  
23 I QUESTION IF CDA KNOWS EXACTLY  
WHAT  
24 REGULATORY AGENCIES IN THEIR OWN ORGANIZATION  
ARE  
25 KNOWING WHAT'S GOING ON. I BRIEFLY GLANCED AT



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1       THIS LETTER THAT WAS PUT OUT YESTERDAY, AND IT  
2       DOESN'T SEEM TO ADDRESS SOME DISCUSSIONS THAT  
3       THEY'VE HAD OVER THE PAST FOUR OR FIVE YEARS  
4       WITHIN THEIR OWN ENTITY ON THIS MATTER.

5                   ASH FROM MY EXPERIENCE HAS VOLUN-  
6       TARILY BEEN TESTED QUITE EXTENSIVELY. I KNOW THAT  
7       FOR THE QUARTER MILLION TONS OF ASH THAT I HANDLED  
8       UP UNTIL YEAR AGO WHEN THE INDUSTRY ABOUT CLOSED,  
9       WE VOLUNTARILY ALREADY PULL SOIL SAMPLES AND  
10      TISSUE ANALYSIS, AND WE TREAT THIS AS A REAL  
11      PRODUCT THAT IT IS.

12                   WHAT FARMERS PAY FOR THE ACTUAL  
13      DELIVERY OF IT MAY BE MINUSCULE, BUT THEY DO PAY  
14      FOR THE APPLICATION AND INCORPORATION WHEN IT'S  
15      NOT IN A NONTILL OPERATION, AND THEY ONLY USE THIS  
16      BECAUSE IT'S A BENEFICIAL PRODUCT. THEY'RE NOT  
17      GETTING PAID TO APPLY THIS TO THEIR LAND. THEY  
18      HAVE COST INVOLVED IN USING THIS MATERIAL AND  
19      TREAT IT AS A FERTILIZER SOURCE THAT -- OF  
20      ECONOMIC BENEFIT TO THEM IN THEIR FARMING  
21      PRACTICES.

22                   THAT'S ABOUT ALL I HAVE. THANK  
23      YOU.

24                   CHAIRMAN FRAZEE: OKAY. COULD I,  
25      ALLISON, COULD I ASK A QUESTION IN RESPONSE TO  
26      THIS GENTLEMAN'S STATEMENT ON THE FOUR-DAY



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1 INCORPORATION? IS THAT THE WAY THE REGULATIONS  
AS

2 DRAFTED NOW STAND?

3 MS. REYNOLDS: THE UPDATED VERSION OF  
THE

4 DRAFT REGULATIONS DID NOT INCLUDE THAT OPERATING  
5 STANDARD, THE FOUR-DAY INCORPORATION.

6 CHAIRMAN FRAZEE: IN FACT, IN OUR FIELD  
7 TRIPS ON THIS ISSUE, WE SAW STORAGE ON SITE FOR  
UP

8 TO SIX MONTHS, IS THAT CORRECT, ON THE  
9 AGRICULTURAL?

10 MR. THOMAS: STORAGE HAS HISTORICALLY  
11 BEEN EVEN UP TO A YEAR BECAUSE IT TAKES AWHILE TO  
12 STOCKPILE ENOUGH MATERIAL TO ACTUALLY MAKE IT A  
13 BENEFICIAL TRIP ACROSS THE FIELD.

14 MS. REYNOLDS: YES. AND THE REGULATIONS  
15 HAVE BEEN UPDATED TO A YEAR STOCKPILING FOR LAND  
16 APPLICATION.

17 CHAIRMAN FRAZEE: AND THE INCORPORATION  
18 HAS BEEN REMOVED.

19 MS. REYNOLDS: HAS BEEN REMOVED.

20 MR. BLOCK: LET ME JUST -- I THINK I  
FEEL

21 A NEED, HAVING READ THE SECOND LETTER THAT WE GOT

22       AT THE LAST MINUTE, THIS ONE FROM THE FARM  
BUREAU,  
23       I'VE SEEN BOTH OF THESE LETTERS AND IT'S NOW  
24       COMING UP WITH THIS CURRENT COMMENTER A CONCERN  
25       OVER CHANGES TO THE REGULATIONS AT THE LAST

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1       MINUTE.  AND I THINK IT'S IMPORTANT TO MAKE CLEAR  
2       THAT THE PROPOSAL THAT STAFF IS GOING TO TALK  
3       ABOUT AFTER THE CLOSE OF THE PUBLIC HEARING IS  
4       STILL GOING TO HAVE TO GO OUT FOR A 15-DAY COMMENT  
5       PERIOD.  WE'RE NOT PROPOSING THAT WE MAKE SOME  
6       CHANGES AND GET APPROVED BY THE BOARD THIS MONTH.  
7       AND SO ALL OF THOSE INDIVIDUALS THAT ARE -- WANT  
8       AN OPPORTUNITY TO COMMENT ON THE PROPOSED CHANGES,  
9       ONE OF WHICH BEING THE ONE-YEAR PROVISION, FOR  
10      INSTANCE, WILL HAVE THAT OPPORTUNITY.

11               CHAIRMAN FRAZEE:  OKAY.  THEN, NEXT LET'S  
12      HEAR FROM CAROLYN BAKER, THE COGENERATION ASH  
13      COALITION.

14               MS. BAKER:  THANK YOU, MR. CHAIRMAN.  I  
15      HAVE WRITTEN COMMENTS THAT I'D LIKE TO SUBMIT NOW  
16      THAT ARE NOT ANY DIFFERENT FROM WHAT YOU'VE SEEN  
17      BEFORE, BUT HERE THEY ARE.

18               GOOD MORNING, MR. CHAIRMAN AND  
19      MEMBERS.  CAROLYN BAKER REPRESENTING THE  
20      COGENERATION ASH COALITION.  I'LL BE VERY BRIEF.  
21      I DON'T HAVE MUCH TO ADD OTHER THAN WHAT YOU'VE  
22      HEARD FROM US BEFORE OVER ABOUT THE PAST YEAR.  WE  
23      HAVE WORKED VERY DILIGENTLY WITH STAFF AND OTHER  
24      INTERESTED PARTIES TO GET TO THE POINT WHERE WE  
25      ARE TODAY, AND WE ARE VERY PLEASED WITH THE



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1       OUTCOME OF STAFF'S WORKSHOP ON DECEMBER THE 3D AND  
2       THE REGULATORY PACKAGE NOW BEING THE DRAFT BEING  
3       CIRCULATED DATED DECEMBER 9TH. WE'D LIKE TO THANK  
4       STAFF VERY MUCH FOR THEIR EFFORTS IN GETTING US TO  
5       WHERE WE ARE TODAY.

6                       WHERE WE STAND NOW IS THE RESULT OF  
7       EXTENSIVE WORK AND COMPROMISE. AND FROM THE ASH  
8       INDUSTRY PERSPECTIVE -- AND THE COMMENTS THAT I'M  
9       SUBMITTING TO YOU NOW ARE NOT JUST FROM THE  
10      COGENERATION ASH COALITION, BUT ALSO REPRESENT THE  
11      COMMENTS OF THE BIOMASS ENERGY ALLIANCE, WMX  
12      TECHNOLOGIES, AND WHEELABRATOR, ALL OF WHOM, I  
13      KNOW, WILL WANT TO SPEAK TO YOU TODAY TOO. BUT  
14      REPRESENTING THE MAJORITY OF THE ASH PRODUCING  
15      INDUSTRY, WE FEEL THAT WE HAVE WORKED DILIGENTLY  
16      AND ALSO COMPROMISING IN SOME OF THE AREAS THAT  
17      ARE, AS STATED IN THE REGS DATED DECEMBER 9TH,  
18      WHICH INCLUDES THE HEAVY METAL LIMITS, WHICH, AS  
19      YOU KNOW, WE DIDN'T REALLY FEEL WERE NECESSARY,  
20      BUT WE'RE WILLING TO GO ALONG WITH SOME OF THE  
21      CONCERNS OF OTHERS THAT WERE ADDRESSED. ALSO,  
22      THE  
23      DEFINITION OF AGRICULTURAL PROFESSIONAL, WHICH  
24      HAS  
25      BEEN TIGHTENED SIGNIFICANTLY SINCE OUR FIRST

24 PROPOSAL SEVERAL MONTHS AGO.  
25 WHAT I WOULD LIKE TO DO, IF IT'S



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1 APPROPRIATE, IS AT THIS TIME ASK IF JIM SORENSON  
2 COULD SPEAK TO ADDRESS THE CALIFORNIA DEPARTMENT  
3 OF FOOD AND AGRICULTURE'S PROPOSAL WHICH, AS YOU  
4 KNOW, WE'VE ALL JUST SEEN THIS MORNING. I DON'T  
5 FEEL THAT WE CAN REALLY COMMENT ON IT EXTENSIVELY.  
6 WHAT I'D LIKE TO DO IS ASK MR. SORENSON TO ADDRESS  
7 WHAT'S CURRENTLY BEING DONE IN THE FIELD RIGHT NOW  
8 SO YOU GET A GOOD FEEL FOR OUR PARTICIPATION WITH  
9 THAT DEPARTMENT, WHAT WE'RE CURRENTLY DOING, AND  
10 HOW IT'S OPERATING FOR US, IF THAT WOULD BE  
11 APPROPRIATE.

12 CHAIRMAN FRAZEE: I THINK THAT MIGHT BE  
13 HELPFUL. JAMES SORENSON REPRESENTING TRIAD.

14 MR. SORENSON: GOOD MORNING. I THOUGHT  
15 IT MIGHT BE HELPFUL, WE'VE -- TRIAD -- I'M JIM  
16 SORENSON WITH TRIAD, AND WE'VE BEEN INVOLVED IN  
17 THE PROCESS OF REGISTERING WITH CDFA PROBABLY IN  
18 EXCESS OF TEN DIFFERENT ASHES FROM FACILITIES AS A  
19 SOIL AMENDMENT, DOING THE LABEL, AND GETTING THE  
20 REGISTRATION ON THEM. AND IT IS A PROCESS THAT  
21 WE'VE HAD TO DO A LOT OF TESTING TO DETERMINE THE  
22 ASH, THE MAKEUP OF IT, AND WE'VE SUBMITTED LABELS.  
23 WE'VE HAD REVISIONS AND THINGS WE'VE CHANGED UNDER  
24 THE REQUIREMENTS THAT THEY'VE ASKED US TO DO AND  
25 THEN HAVE RECEIVED A REGISTRATION AND A LABEL ON



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1 ALL THE ASH THAT WE'VE WORKED WITH THROUGH THE  
2 YEARS FROM DAY ONE. WE'VE NEVER TAKEN ANY ASH OUT  
3 TO DO IT.

4 AND WE HAVE HAD -- THERE IS A  
5 PROCESS, AS THE PEOPLE FROM THE DEPARTMENT OF CDFA  
6 HAVE COME OUT AND ACTUALLY HAVE TESTED THE ASH AT  
7 DIFFERENT PERIODS OF TIME TO VERIFY THAT WHAT IS  
8 ON THAT LABEL AND THE REGISTRATION IS ACCURATE.  
9 AND WE'VE EVEN HAD TIMES WHERE WE'VE HAD TO REVISE  
10 THAT A LITTLE BIT. WE HAD AN EXAMPLE WHERE THEY  
11 CAME OUT AND TESTED IN THE WINTERTIME WHERE WE HAD  
12 A LOT OF RAIN THAT WAS AT THE FACILITY, AND IT  
13 DILUTED THE ANALYSIS DOWN A LITTLE BIT, SO WE HAD  
14 TO REVISE, AND WE CAME UP WITH A WINTER ANALYSIS  
15 AND A SUMMER ANALYSIS. SO WHEN IT WAS GETTING A  
16 LOT OF RAIN, THE ANALYSIS MAY BE A LITTLE LOWER.

17 BUT WHAT I'D LIKE TO EMPHASIS,  
18 THEY'RE TALKING ABOUT TESTING AND DOING SOME OTHER  
19 THINGS IN HERE AND THAT IS HAPPENING NOW. I'VE  
20 HAD, LIKE I SAY, SEVERAL DIFFERENT ASHES THAT HAVE  
21 BEEN TESTED AT FACILITIES TO MAKE SURE THAT WHAT  
22 WE'RE CLAIMING THERE'S BENEFICIAL USE IS THERE.  
23 ALSO, ON THOSE LABELS IS THE RECOMMENDED  
24 APPLICATION RATES, AND JUST AS WE DO FOR A  
25 FERTILIZER, WE DO THAT ALSO FOR THIS PRODUCT.



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1                   THE OTHER THING THEY TALKED ABOUT  
2           WAS ALL THE REGULATION AND TESTING AND EVERYTHING.  
3           TO ME IT SOUNDED A LOT LIKE THE PESTICIDES.  SOME  
4           OF THE THINGS THAT CDFA WAS ASKING, IN MY OPINION,  
5           ARE NOT BEING DONE ON COMMERCIAL FERTILIZERS AT  
6           THIS POINT.  AND WE'RE TALKING ABOUT BULK  
7           AMENDMENTS.  WE'RE TALKING ABOUT TESTING ON -- FOR  
8           THE NUTRIENT VALUE AND SHOWING THAT THERE'S A  
9           BENEFICIAL USE HERE.  AND THAT'S BASICALLY WHAT  
10          THEY'RE DOING FOR CHEMICAL FERTILIZERS.  I THINK  
11          WE'RE GOING TO SET A PRECEDENT OF IF YOU'RE SAYING  
12          ONE THING NEEDS TO BE TESTED, WHAT ABOUT ALL THE  
13          OTHER FERTILIZERS OUT THERE THAT AREN'T UNDER THAT  
14          SAME GUIDELINES THAT ARE BEING USED NOW?  THEY'RE  
15          NOT HAVING TO MEET ALL THESE REQUIREMENTS.

16                   AND I'LL GUARANTEE YOU THAT IF YOU  
17          TEST A LOT OF THE CHEMICAL FERTILIZERS OUT THERE,  
18          YOU ARE GOING TO FIND A LOT MORE AND A LOT HIGHER  
19          LEVELS OF METALS OR DIFFERENT NUTRIENTS IN THERE  
20          THAN YOU WILL FIND IN THINGS LIKE THE ASHES, THESE  
21          ORGANIC BASED PRODUCTS.  THEY'RE JUST NOT -- IT'S  
22          NOT BEING REQUIRED OF THEM.

23                   AND THAT'S, I GUESS, THE MAIN POINTS  
24          THAT I WANTED TO MAKE.  AGAIN, THE PRODUCT IS A  
25          FAIRLY UNIFORM PRODUCT, AS WAS STATED BEFORE.



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1 DOESN'T CHANGE A LOT. THE HEAVY METALS ARE BEING  
2 TESTED NOW AT THE FACILITIES. I DON'T KNOW OF  
3 ANYBODY'S ASH WHO CAN LEAVE SITE IF THEY DON'T  
4 MEET THE HEAVY METAL REGULATIONS NOW WITHOUT DOING  
5 IT ILLEGALLY.

6 SO THERE IS THIS ALREADY IN PLACE TO  
7 SET UP THE ASH. AND LIKE I SAY, MINE HAS BEEN  
8 TESTED. FACILITIES WE WORK WITH. AND WE'VE HAD  
9 TO REVISE, MAKE ADJUSTMENTS TO THAT LABEL. AND  
10 THAT IS MAINLY THE COMMENTS THAT I WANTED TO MAKE  
11 REGARDING THIS LETTER.

12 CHAIRMAN FRAZEE: OKAY. QUESTIONS?

13 MEMBER RELIS: I WOULD JUST ASK MAYBE OR  
14 THE REPRESENTATIVES FROM CDFA TO RESPOND TO THAT  
15 POINT, IF THIS PATH THAT WAS -- HAS BEEN SUGGESTED  
16 IS CONSISTENT OR NOT WITH WHAT YOU DO WITH  
17 FERTILIZERS.

18 MS. NEWTON-REED: AT THIS TIME WE HAVE  
19 NO, I SHOULD SAY -- LET'S SEE. WE DON'T DO ANY  
20 TESTING FOR HEAVY METALS, AND WE DON'T HAVE ANY  
21 TOLERANCES FOR HEAVY METALS ON ANY TYPE OF  
22 FERTILIZING MATERIAL, AND WE DON'T CHECK  
23 APPLICATION RATES, IF THAT'S --

24 MS. REPINE: BUT WE KNOW THEY'RE COMMONLY  
25 USED MATERIALS. PERHAPS IT WOULD BE EASY IF





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1 EVERYONE UNDERSTOOD KIND OF THE CONCEPT OF WHAT  
2 YOU ARE DOING WHEN YOU ARE DOING A FERTILIZER  
3 REGISTRATION AND LABELING. SO THINK MAYBE  
4 EVERYONE IS NOT FAMILIAR WITH THIS, AND THESE ARE  
5 TWO DIFFERENT THINGS WE'RE TALKING ABOUT. IT'S  
6 KIND OF LIKE WHERE WE TALKED ABOUT USING THE HEAVY  
7 METAL LOADINGS THAT WERE DEVELOPED FOR SLUDGE THAT  
8 DR. MEYERS TALKED ABOUT AND NOW WE'RE JUST  
9 APPLYING THEM AND SAYING, "OKAY. WE CAN USE THEM  
10 HERE."

11 WE'RE LOOKING AT -- THIS IS A  
12 DIFFERENT TYPE OF MATERIAL THAT WE'RE TALKING  
13 ABOUT; IS THAT CORRECT?

14 MS. NEWTON-REED: RIGHT.

15 MS. REPINE: AND SO, THEREFORE, PERHAPS  
16 IF EVERYONE UNDERSTOOD THAT, THERE WOULD BE AN  
17 UNDERSTANDING AS TO WHY WE'RE LOOKING AT IT IN  
18 THIS WAY AND AS TO WHY THE FARM BUREAU IS LOOKING  
19 AT IT IN THE SAME WAY. SO PERHAPS AS A QUICK  
20 DIGRESSION, LESLEE, IF YOU WILL DO THAT FOR THE  
21 BOARD AND EXPLAIN WHAT TYPES OF MATERIAL YOU'RE  
22 TALKING ABOUT AND ALSO THE DISCUSSION ON THE ASH,  
23 BECAUSE WE DO HAVE ASH LABELS NOW.

24 MS. NEWTON-REED: YES, WE DO. AND AS WE  
25 HAVEN'T HAD ANY PROBLEMS WITH THEM BEING USED AS

A



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1 FERTILIZING MATERIAL.

2 MS. REPINE: WHEN A MATERIAL COMES INTO  
3 THE REGISTRATION, LESLEE, TRY TO EXPLAIN TO  
4 EVERYONE HERE THE ASSEMBLAGE. SOMEONE COMES IN  
5 AND THEY WANT TO PROPOSE A MATERIAL TO BE USED AS  
6 A FERTILIZER. WHAT IS THE PROCESS THAT OCCURS?

7 MS. NEWTON-REED: IF SOMEONE IS BRINGING  
8 OR APPLYING TO USE A FERTILIZING MATERIAL THAT WE  
9 ARE -- WE RECOGNIZE AS A FERTILIZING MATERIAL,  
10 THEN WE HAVE NO PROBLEM WITH THAT. IF THEY'RE  
11 BRINGING SOMETHING IN NEW THAT WE DON'T -- WE  
12 DON'T RECOGNIZE AS BEING A FERTILIZING MATERIAL,  
13 WE'LL ASK THEM TO GIVE US DATA OR SOMETHING TO  
14 SHOW THAT IT IS A FERTILIZING MATERIAL OR CAN BE  
15 USED AS A FERTILIZING MATERIAL.

16 MEMBER RELIS: BUT LET ME JUST PURSUE  
17 THIS. IF THE CONCERN IS OVER LOADINGS OF METALS  
18 IN THE SOIL, AND YOU SAY, WELL, WE RECOGNIZE A  
19 FERTILIZER AS AN APPROPRIATE MATERIAL, YOU HAVE  
20 EXPERIENCE WITH IT, BUT YOU DON'T ANALYZE IT FOR  
21 METALS, I'M JUST TRYING TO UNDERSTAND WHAT THE  
22 CONSISTENCY HERE IS BECAUSE IF YOU ARE SAYING  
ONE  
23 MATERIAL, WE HAVEN'T USED THAT OR WE'VE USED IT  
24 LESS AND WE'RE WORRIED ABOUT WHAT THE METAL

LOADS

25        WOULD BE, BUT WE HAVE NO LIMITS ON THAT ON  
OTHER

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1 MATERIALS. HOW DO I UNDERSTAND THAT?

2 MS. NEWTON-REED: OUR REGULATIONS WERE  
3 MADE BASICALLY A LONG TIME AGO AND WERE BEFORE  
4 THERE WAS A PROBLEM WITH HEAVY METALS. WE'VE GOT  
5 NEW PRODUCTS COMING IN WHERE THERE MIGHT BE A  
6 POSSIBILITY OF A PROBLEM, AND WE'RE -- A STUDY IS  
7 UNDER WAY TO DETERMINE THE EFFECT OF HEAVY METALS  
8 IN FERTILIZING MATERIALS.

9 MEMBER RELIS: THANK YOU.

10 CHAIRMAN FRAZEE: DR. MEYER, I'LL CALL  
11 BACK UP AGAIN BECAUSE I BELIEVE HE HAS A RELEVANT  
12 POINT ON THAT ISSUE.

13 DR. MEYER: THANK YOU VERY MUCH FOR  
14 ALLOWING ME TO COME IN. I THINK IT'S PROBABLY  
15 UNFAIR TO PUT TWO PEOPLE IN CDFA ON THE HOOK ON  
16 THIS ISSUE BECAUSE I DON'T THINK EITHER ONE OF  
17 THEM ARE AWARE OF THE ACTIVITIES IN THE PAST FIVE  
18 TO TEN YEARS ALONG THIS LINE.

19 IF YOU WERE TO ASK THAT SAME  
20 QUESTION OF STEVE WONG, WHO IS THE DIRECTOR OF THE  
21 FERTILIZER AND ANIMAL HEALTH BRANCH, HE WAS WELL  
22 AWARE OF THE MOST CURRENT, ONGOING STUDY BECAUSE  
23 THEY HAVE BEEN WORKING ON TRYING TO GET THAT DONE  
24 FOR THE LAST SEVERAL YEARS. AT THE TIME, GOING  
25 BACK A LITTLE BIT TO SORT OF REVIEW THE FERTILIZER



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1 HISTORY, AND EVEN SOME OF THE JIM SORENSON'S  
2 COMMENTS ARE INAPPROPRIATE, I THINK, BECAUSE HE IS  
3 NOT AWARE OF WHAT'S BEEN GOING ON.

4 LET ME GIVE YOU A REAL LONG-TERM  
5 ANSWER. TVA, TENNESSEE VALLEY AUTHORITY, HAS BEEN  
6 IN THE FERTILIZER DEVELOPMENT BUSINESS, AND A LOT  
7 OF THE CURRENT FERTILIZERS THAT WE HAVE AND USE  
8 TODAY WERE DEVELOPED ALONG WITH TVA AND/OR WITH  
9 INDUSTRIES ALONG WITH THEM. IN THE PROCESS THEY  
10 HAVE REVIEWED MANY TIMES THE ELEMENTS THAT ARE IN  
11 THE RAW MATERIALS.

12 IT IS WELL-KNOWN THAT THE CADMIUM  
13 LEVELS, FOR EXAMPLE, OF WESTERN ROCK PHOSPHATE IN  
14 IDAHO IS MUCH HIGHER THAN THAT IN FLORIDA. THE  
15 RADIOACTIVITY OF SEVERAL METALS IS QUITE A BIT  
16 HIGHER IN THE FLORIDA PHOSPHATE SOURCES THAN IN  
17 IDAHO SOURCES. SO A LOT OF THESE ACTIVITIES HAVE  
18 BEEN A JOINT EFFORT OVER THE LAST AT LEAST 50  
19 YEARS THAT I'M AWARE OF AS FAR AS WHAT FERTILIZER  
20 MATERIALS CAN BE USED, FROM WHAT SOURCES, ORES  
21 THAT ARE USED, POTASSIUM SOURCES, PHOSPHATE  
22 SOURCES IN THE CASE OF NITROGEN SOURCES. SO  
23 THERE'S BEEN AN ONGOING REVIEW. AND BECAUSE THAT  
24 REVIEW HAS TAKEN PLACE, THERE HAVE BEEN A WELL --  
25 A GOOD KNOWLEDGE BASE AS FAR AS WHAT LEVELS OF





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1 DIFFERENT METALS ARE CONTAINED IN DIFFERENT  
2 FERTILIZER MATERIALS.

3 THE INDUSTRIES WHO CHOOSE TO TAKE  
4 ROCK PHOSPHATE, FOR EXAMPLE, ARE WELL AWARE OF THE  
5 PROCESSES THAT TVA HAS DEVELOPED TO TRY TO EXCLUDE  
6 MANY OF THOSE. SO BY THE TIME IT COMES TO A  
7 REGISTRATION PROCESS, MANY TIMES THAT PROBLEM HAS  
8 ALREADY BEEN ELIMINATED BEFORE IT EVEN HAD A  
9 CHANCE TO --

10 MEMBER RELIS: THAT'S A GENERAL KNOWLEDGE  
11 THAT EXISTS IN THE INDUSTRY. THAT'S NOT A  
12 REGULATORY --

13 DR. MEYER: THAT'S NOT A REGULATORY.

14 MEMBER RELIS: -- REQUIREMENT. THAT'S  
15 JUST PEOPLE KNOW ABOUT.

16 DR. MEYER: WELL, THE REGULATORY PROCESS  
17 WAS SORT OF DEVELOPED SO THAT IT REALLY NEVER  
18 HAPPENED IN TERMS OF GETTING THE MATERIALS OUT  
19 INTO THE FARMERS' HANDS TO USE THESE MATERIALS.  
20 IN MORE RECENT TIMES WHERE WE'VE HAD THE  
21 INTRODUCTION OF WASTE MATERIAL, SHALL WE PUT IT  
22 THAT WAY, OR BY-PRODUCT MATERIALS WOULD BE A  
23 BETTER WORD, THEN EACH OF THOSE IS EVALUATED IN  
24 TERMS OF ITS HEAVY METAL CONCENTRATION.

25 THE FERTILIZER INDUSTRY WENT  
THROUGH



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1       A VERY TOUGH EVALUATION, SELF-EVALUATION, ALONG  
2       WITH CDFA WHEN PROP 65 WAS INITIATED. THEY WENT  
3       THROUGH AND REVIEWED ALL OF THE METALS THAT WERE  
4       ON THE PRIORITY LIST AS TO WHETHER THEY WERE  
5       CONTAINED IN FERTILIZERS OF CONSEQUENCE, IN TERMS  
6       OF THEIR APPLICATION EVEN IF -- TO THE EXTENT THAT  
7       EVEN IF A FERTILIZER WERE INJECTED IN A DRIP  
8       IRRIGATION SYSTEM AND A WORKER IN THE FIELD  
9       GRABBED THE END OF THE DRIP IRRIGATION HOSE AND  
10      STARTED DRINKING THE WATER, WOULD THERE BE A  
11      PROBLEM WITH RESPECT TO CERTAIN HEAVY METALS OR  
12      OTHER METALS IN THAT FERTILIZER MATERIAL.

13                    COMING UP MORE RECENTLY, WHEN YOU  
14      START TO LOOK AT SOME OF THE GREEN WASTE, THAT'S  
15      BEEN A REAL DIFFICULT ISSUE FOR CDFA TO DEAL WITH  
16      IN TERMS OF WHAT LEVEL OF REGULATION SHOULD BE  
17      TAKING PLACE IN TERMS OF MONITORING WHAT'S IN THAT  
18      ARENA. IT'S A MUCH MORE WIDE OPEN, YOU MIGHT SAY,  
19      SOURCE OF MATERIALS THAT COME INTO THAT MATERIAL,  
20      AND YET IT'S USED IN AGRICULTURE, OF COURSE.

21                    SO I GUESS THE NEW ENTRY AND  
22      PARTICULARLY THE INTENSE INTEREST IN USING AND  
23      DIVERTING WASTE PRODUCTS INTO AGRICULTURE PROMPTS,  
24      I THINK, THE DISCUSSION THAT MARY ROSE HAS  
25      PRESENTED TO YOU, THAT IF WE'RE GOING TO BE



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1       LOOKING AT A NUMBER OF DIFFERENT MATERIALS, THE  
2       STRATEGY THAT THE CDFA HAS USED IN THE PAST IS NOT  
3       GOING TO BE APPROPRIATE. IT WILL NEED TO BE  
4       CHANGED BECAUSE THEY HAVE BEEN USING A DIFFERENT  
5       PROCESS, RELYING ON THE RESEARCH INSTITUTION, TVA,  
6       THE UNIVERSITIES, TO LOOK AT FERTILIZER MATERIALS,  
7       ESTABLISHING THOSE LEVELS, OR KNOWING THAT THEY'RE  
8       JUST AT A VERY LOW LEVEL IF WE'RE GOING TO USE  
9       THEM FOR FERTILIZER MATERIALS.

10                       SO IT REPRESENTS A DEPARTURE WHEN  
11       YOU'RE STARTING TO IMPOSE THINGS ON AGRICULTURE  
12       RATHER THAN TRY TO GET AGRICULTURE GOING OUT AND  
13       LOOKING FOR MATERIALS AND MAKING SURE THEY'RE SAFE  
14       BEFORE THEY INCORPORATE THE USE OF THEM AS AN  
15       ONGOING PROCESS. YOU UNDERSTAND THE CONCEPTS HERE  
16       A LITTLE BIT NOW?

17                       CHAIRMAN FRAZEE: LET ME PURSUE ONE  
18       THAT'S SIMILAR AND SEE WHAT OUR EXPERIENCE LEVEL  
19       IS IN THIS. SOMETHING THAT'S FOUND ITS WAY, I  
20       BELIEVE, RATHER RECENTLY OR IN RECENT YEARS INTO  
21       THE SOIL AMENDMENT ARENA IS THE FILTER BED WASTE  
22       FROM SUGAR MANUFACTURING. AND THAT ESSENTIALLY  
23       WAS A WASTE PRODUCT THAT WAS MONOFILLED, IF YOU  
24       WILL, OVER THE YEARS AND THEN IN MORE RECENT  
25       YEARS, IN FACT, I THINK THAT WAS EVEN THE MATCH  
OF



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1 THE YEAR IN OUR CALMAX PROGRAM, THAT MATERIAL IS  
2 NOW BEING MINED BACK OUT OF THOSE HUGE MONOFILLS  
3 AND USED AS A SOIL AMENDMENT. HAS THE SAME LEVEL  
4 OF SCRUTINY GONE ON OVER THE USE OF THAT PRODUCT?

5 DR. MEYER: I WOULD SAY PROBABLY NOT  
6 QUITE. AND THE REASON BEING THAT LIMESTONE  
7 SOURCES ARE USUALLY CHECKED BEFORE THEY'RE  
8 UTILIZED BY THE SUGAR PROCESSING INDUSTRY. WHEN  
9 YOU TAKE A PRODUCT LIKE THE SUGAR BEETS AND YOU  
10 USE A PROCESSING WHERE YOU DON'T ADD ANY OTHER  
11 EXTRANEOUS MATERIAL, THERE'S NO ENTRY PROCESS, SO  
12 YOU DON'T REALLY HAVE TO WORRY ABOUT WHAT'S IN IT  
13 AS MUCH, SHALL WE SAY, IN THE LIME AFTER IT COMES  
14 OUT OF THE PROCESS BECAUSE THE SUGAR BEETS AREN'T  
15 GOING TO CONTAIN IT. THE LIME THAT YOU'RE USING  
16 DOESN'T CONTAIN IT, AND YOU DON'T ADD ANYTHING  
17 DETRIMENTAL IN THE PROCESS. THERE'S NO METHOD.

18 IN CONTRAST, IF YOU LOOK AT A  
19 BIOMASS OR A COAL PLANT, IF THE FUEL IS NOT  
20 STANDARD AND YOU HAVE WOOD FROM MANY DIFFERENT  
21 SOURCES, PALLETS, TREES, TREE TRIMMINGS, FORESTRY  
22 SOURCES, AGRICULTURAL SOURCES, EVEN THE ENTRY OF  
23 SEWAGE SLUDGE, TIRES, AND SO FORTH, CAN BE  
24 INTRODUCED INTO THAT FUEL, AND IT CAN BE FOR A  
25 SHORT TIME, A LONG TIME, SO YOU CAN IMAGINE THE





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1 WIDE RANGE OF WHAT MIGHT BE CONTAINED IN THE ASH  
2 COMING OUT.

3 AND SO WHAT'S GOING INTO THE PLANT  
4 IS HIGHLY VARIABLE IN MANY CASES, NOT VERY  
5 VARIABLE IN OTHER CASES, AND SO THERE NEEDS TO BE  
6 SOME LEVEL OF PROTECTION THERE AS TO THE ASH  
7 COMING OUT FALLING WITHIN CERTAIN RANGES, NOT  
8 NECESSARILY CONCENTRATION. AND THAT'S WHY IN THE  
9 STAFF DEVELOPING OF THE REGS WITH THE STAFF, WE  
10 DON'T WANT TO TALK ABOUT -- I MEAN WE DON'T WANT  
11 TO PLACE A LIMITATION BASED ON CONCENTRATION  
12 BECAUSE LOW CONCENTRATIONS OF MATERIALS APPLIED  
AT  
13 HIGH AMOUNTS CAN ACHIEVE THE SAME LEVEL OF  
14 APPLICATION AS LOW RATES OF HIGH CONCENTRATIONS.  
15 SO CONCENTRATION IS NOT AN EFFECTIVE MECHANISM.  
16 YOU HAVE TO WORK WITH MASS APPLICATIONS, HOW  
MANY  
17 POUNDS PER ACRE.

18 CHAIRMAN FRAZEE: OKAY. THANK YOU.

19 MR. SORENSON: COULD I CLARIFY ONE  
POINT?

20 CHAIRMAN FRAZEE: WELL, I DON'T THINK  
WE  
21 REALLY WANT TO GET INTO --

22                   MR. SORENSON:  IT WASN'T ARGUING WITH  
23       HIM.  I JUST WANT TO CLARIFY ONE POINT.  
24                   CHAIRMAN FRAZEE:  OKAY.  BRIEFLY,  
PLEASE.  
25       JUST IDENTIFY YOURSELF FOR THE RECORD.

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1 MR. SORENSON: JIM SORENSON WITH TRIAD.

2 WHEN I TALKED ABOUT THE DIFFERENCE

3 BETWEEN SOIL AMENDMENT AND FERTILIZERS AND THE

4 REGISTRATION, TRIAD IS INVOLVED IN REGISTERING

5 FERTILIZERS ON A REGULAR BASIS TOO. SO WHEN WE

6 TALK ABOUT THE REGISTRATION PROCESS, WE'VE BEEN

7 THROUGH BOTH SIDES OF IT WITH FERTILIZERS AND SOIL

8 AMENDMENTS. AND IT IS PRETTY UNIFORM, WHAT THEY

9 REQUIRE US, WHAT THEY WANT, THE INFORMATION THEY

10 WANT FROM CDFA.

11 AND WHAT I'M SAYING IS THAT THE ASH,

12 THEY'RE NOW REQUESTING SOMETHING MORE ON THAT THAN

13 THEY ARE ON FERTILIZERS. AND WE ARE SOMEWHAT OF

14 AN EXPERT ON THAT BECAUSE WE DO IT ALL THE TIME.

15 AND THE ASH IS NOT A NEW PRODUCT. IT'S BEEN USED

16 FOR LOTS OF YEARS. IT'S IN THE HANDBOOKS AS A

17 SOURCE OF POTASH AND CALCIUM. IT'S IN THE ORGANIC

18 FARMING HANDBOOKS AS AN APPROVED PRODUCT SPECIFIC

19 TO DIFFERENT FACILITIES, BUT IT'S NOT A NEW

20 PRODUCT. AND THAT THIS REGULATIONS WITH THE AG

21 PROFESSIONAL WOULD BE HARMFUL TO TRIAD AND

22 COMPANIES LIKE US IF IT WENT THROUGH LIKE THAT.

23 THANK YOU.

24 CHAIRMAN FRAZEE: NOW BOB ALLEN

25 REPRESENTING BURNEY FOREST PRODUCTS.



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1                   MR. ALLEN: BOB ALLEN WITH BURNEY FOREST  
2           PRODUCTS. I'D LIKE ALSO LIKE TO RECOMMEND THAT  
3           THE BOARD TAKE A GOOD, HARD LOOK AT WHAT STAFF HAS  
4           DEVELOPED. THEIR DRAFT REGULATIONS FOR NON-  
5           HAZARDOUS ASH DATED NOVEMBER 9TH, I THINK, WAS  
6           QUITE A COMPROMISE BETWEEN INDUSTRY AND STAFF. I  
7           THINK IT SHOULD BE ADOPTED.

8                   I WOULD LIKE TO SAY THAT OUR ASH IS  
9           REGISTERED WITH THE STATE OF CALIFORNIA. WE DO  
10          HAVE A LABEL FOR IT. MS. NEWTON-REED DID COME OUT  
11          AND TAKE AN UNANNOUNCED GRAB SAMPLE FOR ANALYSIS.  
12          IF THERE WAS A PROBLEM, I WOULD ASSUME THAT WE  
13          WOULD HAVE HEARD SOMETHING. AND IT'S BEEN ABOUT A  
14          YEAR AND A HALF, I GUESS, SINCE SHE WAS OUT, SO  
15          MUST NOT HAVE BEEN ANY PROBLEM. AND I WOULD HOPE  
16          THAT THE BOARD WOULD ADOPT OR PUT THIS OUT FOR  
17          PUBLIC NOTICE THE WAY STAFF HAS DEVELOPED THIS  
18          DECEMBER 9TH PROPOSAL. THANK YOU.

19                  CHAIRMAN FRAZEE: LET ME ASK YOU A  
20          QUESTION. ON THE REGISTERING OF THIS AND  
21          PROVIDING A LABEL, DO YOU KNOW UNDER WHAT STATUTE  
22          THAT IS REQUIRED? IS THAT A FOOD AND AG STATUTE  
23          OR REGULATION?

24                  MR. ALLEN: IT'S THE DEPARTMENT OF FOOD  
25          AND AGRICULTURE. I'M NOT SURE UNDER WHAT



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1       DIVISION.  DR. MEYER REFERRED TO A GENTLEMAN THAT  
2       HIS NAME APPEARS ON THE BOTTOM OF THE FORM WE HAVE  
3       TO FILL OUT TO SEND IN SOME MONEY ON A REGULAR  
4       BASIS AND BIENNIAL REPORTS ON HOW MUCH MATERIAL  
5       WAS REMOVED OR ALL.

6               CHAIRMAN FRAZEE:  THANK YOU.

7               MR. BLOCK:  THAT IS THE FOOD AND  
8       AGRICULTURE CODE.

9               CHAIRMAN FRAZEE:  THE -- I'M THINKING OF  
10       INQUIRING HOW MANY UNITS OF CREDIT WE'RE GOING TO  
11       GET FOR HOLDING THIS HEARING.  CAN WE ENROLL OVER  
12       AT -- GOING TO KNOW MORE THAN WE EVER WANTED TO  
13       KNOW.  OKAY.  LET'S SEE.

14               LET'S TAKE KATHY CURRIE, CALIFORNIA  
15       BIOMASS COALITION.

16               MS. CURRIE:  THANK YOU.  KATHY CURRIE,  
17       CALIFORNIA BIOMASS ENERGY ALLIANCE.  I APOLOGIZE.  
18       I HAVE A LITTLE BIT OF A COLD.  I APOLOGIZE  
MOSTLY

19       TO THE PERSON THAT SPEAKS NEXT AND PICKS UP MY  
20       GERMS FROM THE MICROPHONE.

21               I'D LIKE TO FIRST ADDRESS SOME OF  
22       THE POINTS THAT HAVE BEEN RAISED BY CDFA  
23       SPECIFICALLY IN THEIR LETTER.  THEY'VE RAISED  
FOUR

24        PRINCIPAL POINTS.    AND THEN ADDRESS THEIR  
PROPOSED  
25        FRAMEWORK AND THEIR COMMENTS ON THE  
REGULATIONS.



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1                   BUT FIRST, IN KIND OF AN OVERALL  
2       SUMMARY, I HAVEN'T HEARD ANYTHING TODAY OR READ  
3       ANYTHING IN THE CDFA LETTER THAT WOULD INDICATE TO  
4       ME THAT YOU HAVE TO CHANGE THE PROCESS THAT YOU'RE  
5       NOW FOLLOWING, WHICH IS TO SAY YOU CAN COME OUT  
6       WITH THE PROPOSAL THAT STAFF IS GOING TO BE  
7       BRINGING TO YOU IN THE AMENDED PACKAGE AND STILL  
8       TAKE INTO CONSIDERATION EVERY SINGLE POINT THAT'S  
9       BEEN RAISED SO FAR TODAY AND THAT'S BEEN RAISED IN  
10      THE LETTER.

11                   IN THE FIRST PARAGRAPH -- THIS ISN'T  
12      ONE OF THE POINTS THAT THEY RAISE. IN THEIR FIRST  
13      PARAGRAPH, CDFA HAS SAID THAT THERE ISN'T A  
14      SCIENTIFIC BASIS ON WHICH TO CONDUCT A RULEMAKING  
15      ESSENTIALLY FOR THIS ACTIVITY. I BEG TO DIFFER.  
16      THERE IS A SUBSTANTIAL BASIS FOR THIS. THIS HAS  
17      BEEN AN ONGOING ACTIVITY FOR A NUMBERS OF YEARS.  
18      AS THE GENTLEMAN FROM TRIAD JUST INDICATED, THIS  
19      IS NOT A NEW PRACTICE IN THE INDUSTRY. WE'VE BEEN  
20      USING ASH IN AGRICULTURAL PRODUCTS FOR YEARS. AND  
21      AS THE CDFA REPRESENTATIVE HERSELF SAID, THEY  
22      HAVEN'T HAD A PROBLEM WITH IT. THEY HAVE NOT HAD  
23      A PROBLEM WITH THE USE OF THIS AS A PRODUCT. AND  
24      NOW TO COME FORWARD AT THE LAST MINUTE IN THIS  
25      PROCESS AND TRY TO TIE THE PROCESS UP AND SAY THAT



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1 IT SHOULD BE DELAYED IS JUST IRRESPONSIBLE. THEY  
2 HAVEN'T LAID A GROUNDWORK FOR THAT. THEY HAVEN'T  
3 SHOWN A HARM. THEY HAVEN'T JUSTIFIED IT IN ANY  
4 WAY. IT'S REPREHENSIBLE PARTICULARLY WITH RESPECT  
5 TO THE FACT THAT WE HAVE CONSISTENTLY, THIS BOARD  
6 HAS CONSISTENTLY REQUESTED THEIR PARTICIPATION IN  
7 THE PROCESS. AND THIS LAST MINUTE ATTEMPT TO  
8 DELAY MATTERS IS REALLY INEXCUSABLE.

9 AS TO THE FOUR POINTS THAT THEY  
10 RAISE, THEY SAY, FIRST OF ALL, IN THEIR FIRST  
11 BULLET THAT YOU NEED TO CONSIDER THE BENEFICIAL  
12 USE AND YOU NEED TO CONSIDER THE DETRIMENT THAT  
13 MIGHT BE INCURRED AS A RESULT OF THE USE OF ASH.  
14 YOU HAVE CONSIDERED THAT. YOU'VE BEEN CONSIDERING  
15 THAT FOR OVER A YEAR. THAT'S SPECIFICALLY  
16 ADDRESSED IN YOUR REGS. YOU SPECIFICALLY LIMIT  
17 THESE REGS TO BENEFICIAL USE, AND YOU SPECIFICALLY  
18 INCORPORATE TWO MAJOR COMPONENTS THAT ENSURE THAT  
19 USE WILL NOT BE DETRIMENTAL, AND THAT'S THE AG  
20 PROFESSIONAL AND THE METALS LIMITATIONS. SO I PUT  
21 TO YOU THAT YOU HAVE SATISFIED THEIR FIRST  
22 COMMENT.

23 THEIR SECOND COMMENT DEALS WITH IS  
24 THERE A SOFTER PRODUCT THAT CAN BE USED OUT THERE.  
25 THAT IS ABSOLUTELY NOT YOUR CONCERN. YOU ARE THE



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1 WASTE BOARD. YOU LOOK AT WHETHER OR NOT SOMETHING  
2 IS DISPOSAL. YOU LOOK AT WHETHER OR NOT AN  
3 ACTIVITY CAN HARM THE ENVIRONMENT. YOU DON'T LOOK  
4 AT WHETHER OR NOT THERE'S A BETTER PRODUCT OUT  
5 THERE. YOU LOOK AT WHETHER OR NOT THIS PRODUCT IS  
6 SAFE, WHETHER YOU CAN PROTECT PUBLIC HEALTH AND  
7 SAFETY AND THE ENVIRONMENT, AND YOU HAVE DONE  
8 THAT.

9 THE THIRD BULLET THAT THEY HAVE  
10 RAISED IS ESSENTIALLY TWO ISSUES. THE FIRST IS  
11 THAT THERE ARE STANDARDS THAT SHOULD BE APPLIED TO  
12 THIS, CDFA STANDARDS, AND THE SECOND HAS TO DEAL  
13 WITH METALS LIMITS. THE FIRST ISSUE, CLEARLY WE  
14 HAVE TO MEET WHATEVER STANDARDS CDFA HAS NOW OR  
15 WHATEVER STANDARDS THEY ADOPT IN THE FUTURE.  
16 WE'VE ALWAYS INDICATED A WILLINGNESS TO DO.  
17 THERE'S NO EXAMPLE IN FRONT OF YOU OF AN INSTANCE  
18 IN WHICH THE INDUSTRY HAS NOT DONE THAT.

19 THOSE STANDARDS ARE APPLICABLE NO  
20 MATTER WHAT YOU DO HERE TODAY OR WHAT YOU DO IN  
21 THE FUTURE. WE HAVE TO COMPLY WITH IT. THE FACT  
22 THAT YOU DON'T REFERENCE IT IN YOUR ORIGINAL DRAFT  
23 IS ABSOLUTELY IRRELEVANT TO WHETHER OR NOT WE HAVE  
24 A LEGAL DUTY TO COMPLY WITH THOSE REQUIREMENTS.  
25 WE MOST CERTAINLY DO. AND, IN FACT, WE COMPLY



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1 WITH THEM.

2 THE SECOND ISSUE RAISED WAS THE  
3 METALS LIMITS. NOW, YOU'VE HEARD CONSISTENTLY  
4 THROUGH THIS PROCESS THAT THE METALS LIMITS WERE  
5 ADOPTED FOR SLUDGE. THEY ARE VERY CONSERVATIVE  
6 NUMBERS. THERE'S BEEN NO SPECIFIC CHALLENGE  
7 RAISED TO THE SUFFICIENCY OF THOSE NUMBERS EXCEPT  
8 FOR TWO, MOLYBDENUM AND SELENIUM. YOU HAVE MOST  
9 APPROPRIATELY SEVERED THOSE TWO AND PUT THOSE INTO  
10 A PEER REVIEW PROCESS THAT WILL RECEIVE WHATEVER  
11 ADDITIONAL EXAMINATION IS NECESSARY OR REQUIRED.  
12 SO YOU'VE ALREADY ADDRESSED THAT ISSUE AS WELL.

13 THE FOURTH POINT THEY RAISE IS JUST  
14 PROCEDURAL, WHICH IS THAT THE CHANGES YOU ARE  
15 GOING TO HEAR ABOUT FROM STAFF INTRODUCE  
16 SUBSTANTIAL CHANGES TO THE REG PACKAGE. AND THAT  
17 IS TRUE. WE'VE ALWAYS SUPPORTED THE FACT THAT  
18 THEY SHOULD GO OUT FOR AN ADDITIONAL PERIOD OF  
19 PUBLIC COMMENT, THE 15-DAY.

20 NOW, ON THE PROPOSED ALTERNATIVE  
21 FRAMEWORK, THEY'VE MADE ESSENTIALLY AGAIN THREE  
22 POINTS; THAT THE ASH SHOULD BE TESTED BEFORE IT'S  
23 APPLIED, THAT BMP'S SHOULD BE DEVELOPED, AND THAT  
24 THE AG COMMISSIONER SHOULD TAKE A LOOK AT THIS.  
25 YOUR REGS REQUIRE THAT THE ASH BE





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1       TESTED BEFORE IT'S APPLIED. YOU ABSOLUTELY CANNOT  
2       DEMONSTRATE A BENEFICIAL USE UNLESS YOU TEST THE  
3       ASH BEFORE IT'S APPLIED, SO THAT ISSUE HAS BEEN  
4       COVERED.

5                       ON BMP'S THEY HAVEN'T RAISED A  
6       SINGLE ISSUE THAT CONCERNS THE WASTE BOARD  
7       JURISDICTION, NOT ONE. THERE IS NO PURPOSE IN YOU  
8       CONSIDERING THE ADOPTION OR DEVELOPMENT OF BEST  
9       MANAGEMENT PRACTICES. NOW, I'M NOT SAYING THAT  
10      THE INDUSTRY DOESN'T COMPLY WITH BMP'S. I'M  
11      SIMPLY SAYING IT IS NOT WITHIN THE SCOPE OF YOUR  
12      REGULATIONS.

13                     AS IS -- A SIMILAR POINT IS TO THE  
14      AG COMMISSIONER. THAT'S NOT WITHIN YOUR  
15      REGULATIONS. THEY'RE INDICATING THAT THE AG  
16      COMMISSIONER SHOULD REVIEW AND APPROVE THIS USE.  
17      THERE IS NO PROCESS FOR THAT WITHIN THE  
18      REGULATIONS. THERE'S NO PROCEDURE BY WHICH THE AG  
19      COMMISSIONER ISSUES AN APPROVAL. THEY ARE  
20      CONSULTED AND COMMONLY ARE CONSULTED IN DIFFERENT  
21      USES OF AG PRODUCTS, BUT THERE'S NO APPROVAL  
22      PROCEDURE. THAT MEANS THERE'S NO APPEAL  
23      PROCEDURE. THAT MEANS IF YOU WERE TO REQUIRE  
24      SOMETHING LIKE THIS AND WE WERE TO GET A DENIAL,  
25      WE HAVE NO RIGHT OF APPEAL OF THAT DECISION. IT'S



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1       ABSOLUTELY INAPPROPRIATE TO DO SOMETHING LIKE THAT  
2       WITHIN THE CONTEXT OF YOUR REGULATIONS.

3                       IF THEY THINK THIS IS NECESSARY,  
4       THEY CAN DEAL WITH IT WITHIN THEIR OWN  
5       REGULATIONS. THEY CAN GO THROUGH A PROCESS OF  
6       AMENDING THEIR REGULATIONS, AND WE CAN BE INVOLVED  
7       IN THAT AND MAKE SURE THAT OUR RIGHTS ARE  
8       PROTECTED. BUT TO DO SOMETHING THAT'S WITHIN YOUR  
9       PROCESS AT THE LAST MINUTE WOULD BE INAPPROPRIATE.

10                      AS TO THE COMMENTS THAT THEY RAISE  
11       SPECIFICALLY ON THE OCTOBER 9TH RULE PACKAGE,  
12       THESE, I THINK, HAVE BEEN ADDRESSED IN THE  
13       PROPOSED REVISIONS THAT STAFF HAS OR WILL HAVE IN  
14       FRONT OF YOU. FIRST HAS TO DEAL WITH AGRICULTURAL  
15       PROFESSIONAL. THERE'S BEEN A LOT OF TALK ABOUT  
16       HOW WE SHOULD DEFINE THAT AND A LOT OF CONFUSION  
17       ON THIS ISSUE.

18                      AS A RESULT OF THE LAST WORKSHOP  
19       THAT WE HAD DECEMBER 3D, AN ADDITIONAL DEFINITION  
20       WAS DEVELOPED ON FERTILITY PROGRAM EXPERIENCE,  
21       WHICH I THINK GIVES A LOT MORE CLARITY THAN WAS  
22       PRESENT IN THE OCTOBER VERSION. SO WHILE I'D  
23       AGREE WITH THEM THAT MAYBE THERE WAS SOME  
24       CONFUSION AS TO THE SCOPE OF THAT DEFINITION,  
25       THAT'S BEEN RESOLVED IN YOUR DECEMBER 9TH



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1 RULEMAKING PACKAGE.

2 AS TO THE AGRONOMIC RATE, THE ONLY  
3 PROPOSAL THAT THEY'RE SUGGESTING IS THIS SHOULD BE  
4 MANDATORY AS OPPOSED TO PERMISSIVE. THE ONLY  
5 ISSUE WE HAVE ON THIS IS THAT THERE ARE MANY  
6 THINGS THAT ARE CONSIDERED IN WHAT'S AN AGRONOMIC  
7 RATE. RATHER THAN TRYING TO DETERMINE WHAT THOSE  
8 ARE, WE FELT IT WAS MORE APPROPRIATE TO GIVE AN  
9 EXAMPLE OF THREE THINGS THAT ARE USED IN IT TO  
10 ALLOW OTHER THINGS TO BE USED IN THE FUTURE AS  
11 WELL. THE BOTTOM LINE IS STILL YOU HAVE TO SHOW  
12 THAT IT WAS AN AGRONOMIC RATE. YOU STILL HAVE TO  
13 SHOW THAT IT WAS A BENEFICIAL USE. WHATEVER THE  
14 MEANS FOR THAT WAS, YOU ARE STILL GOING TO HAVE TO  
15 BE ABLE TO DEMONSTRATE IT.

16 THIRD POINT THEY RAISE HAS TO DO  
17 WITH THE CUMULATIVE RATES IN THE SOIL. THEY  
18 INDICATE THAT SOME KIND OF SOIL TESTING SHOULD BE  
19 DONE TO SEE WHAT THE PREEXISTING LEVELS ARE IN THE  
20 SOIL. THE 503 LIMITS WERE ADOPTED AS APPLICATION  
21 RATES. THEY WERE NOT ADOPTED AS PROTECTIVE  
22 STANDARDS FOR THE METALS LEVELS IN THE EXISTING  
23 SOIL. THEY WERE ADOPTED WITH AN EYE TO IF WE KNOW  
24 WE'RE GOING TO BE ADDING METALS TO THE SOIL, HOW  
25 MUCH CAN WE SAFELY ADD BEFORE WE'RE GOING TO HAVE



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1 A PROBLEM, AND THEY SET THE LIMIT THERE.

2 SO WHETHER OR NOT THE EXISTING SOIL  
3 MEETS THE NUMBER THEY ADOPT FOR THE CUMULATIVE  
4 LOADING RATE IS IRRELEVANT. IN ANY EVENT, IT CAN  
5 BE ADDRESSED IN THE NEXT STAGE OF YOUR COMMENT  
6 PROCESS.

7 THAT CONCLUDES MY COMMENTS EXCEPT TO  
8 EMPHASIZE THAT I THINK YOU CAN GO FORWARD WITH  
9 THIS AND THIS LAST MINUTE COMMENT SHOULD NOT BE  
10 ALLOWED TO DERAIL THE PROCESS.

11 MEMBER RELIS: MR. CHAIR, ON THE ISSUE OF  
12 THE AGRICULTURAL REVIEW, THE AGRICULTURAL  
13 PROFESSIONAL, I'M NOT SURE THAT WE'VE HEARD THE  
14 FULL EXTENT OF WHAT THE CONCERNS WITH CDFA ARE ON  
15 THE WAY OUR -- THE CURRENT DEFINITION IS. BUT IN  
16 MEETING WITH REPRESENTATIVES OF THE ASH COALITION  
17 THE OTHER DAY, I MENTIONED MY CONCERN OVER JUST  
18 WHAT IS THE INFORMATION BASE THAT WE WOULD HAVE  
19 UNDER THE STRUCTURE UNDER THE WORK THAT STAFF HAS  
20 PREPARED FOR US SO THAT THERE WOULD BE A REFERENCE  
21 OF MATERIAL CONSTITUTING THIS REVIEW.

22 IN OTHER WORDS, THE WAY I WAS  
23 READING IT, IT LOOKS LIKE IT COULD JUST BE A  
24 VERBAL RECOMMENDATION; THAT IS, THERE'S NO  
25 INDICATION THAT THIS IS IN WRITING, THAT SOMEHOW





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1 IT'S GOING TO BE KEPT SOMEWHERE. AND IN THE EVENT  
2 THERE WAS A DISPUTE OVER WHETHER MATERIAL WAS  
3 APPLIED AT AN AGRONOMIC RATE OR NOT, THOUGH THE  
4 BURDEN OF EVIDENCE WOULD BE ON THE USER, IF  
5 THERE'S NO RECORD OF ANY INFORMATION, THAT CREATES  
6 FOR A VERY MESSY SITUATION BETWEEN THIS BOARD, OUR  
7 ENFORCEMENT PEOPLE, AND THE USER. THERE WOULD BE  
8 NO RECORDS. SO I JUST BRING THAT UP NOW BECAUSE I  
9 THINK IN MY VIEW THAT'S STILL AN UNRESOLVED MATTER  
10 TO MY SATISFACTION.

11 MS. CURRIE: RIGHT. AND I THINK WE HAD  
12 DISCUSSED THE FACT THAT IT IS IMPLIED IN THESE  
13 REGS THAT YOU WOULD KEEP THE TYPES OF RECORDS THAT  
14 ARE REFERENCED IN THE DEFINITION OF AGRONOMIC  
15 RATE. IT'S IMPLIED THAT YOU'RE GOING TO KEEP THE  
16 RECORDS TO SHOW BENEFICIAL USE. IT'S NOT EXPLICIT  
17 THAT YOU WILL KEEP THOSE RECORDS.

18 MEMBER RELIS: YOU WOULD AGREE THAT IT  
19 IS -- THERE'S ROOM.

20 MS. CURRIE: IT'S NOT EXPLICIT. AND WE  
21 ALSO AGREED THAT IF IT NEEDS CLARIFICATION, WE CAN  
22 DO THAT IN THE TWO-WEEK PERIOD OR WE CAN DO IT  
23 TODAY, THAT WE'D ACCEPT SOME KIND OF STANDARD THAT  
24 SAYS IT'S UP TO THE GENERATOR TO KEEP ADEQUATE  
25 RECORDS TO DEMONSTRATE COMPLIANCE. THAT'S JUST



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1       GOOD BUSINESS PRACTICE.

2               MEMBER RELIS:   OKAY.   THANK YOU.

3               CHAIRMAN FRAZEE:   ANYTHING ELSE?   IF NOT,  
4       THANK YOU.

5                       I THINK IT'S OBVIOUS THAT WE'RE NOT  
6       GOING TO GET THROUGH ALL THE TESTIMONY PRIOR TO  
7       LUNCH, AT LEAST TO MY LUNCH.   I GET MEAN AND  
8       ORNERY IF I DON'T EAT REGULARLY.   SHALL WE TAKE  
9       OUR LUNCH BREAK RIGHT NOW AND RETURN AT 1:30 ALL  
10      RIGHT?   AND WE'LL GO ON WITH THE TESTIMONY FROM  
11      THOSE REPRESENTING THE INDUSTRY.

12                      (LUNCH RECESS TAKEN.)

13               CHAIRMAN FRAZEE:   MEETING WILL COME TO  
14      ORDER, PLEASE.   WE'RE GOING TO MOVE AHEAD WITH A  
15      RATHER UNUSUAL PROCEDURE HERE.   WE ALWAYS TRY TO  
16      ACCOMMODATE EVERYONE WITH THEIR TRAVEL SITUATIONS,  
17      PARTICULARLY IN THE WINTERTIME.

18                      (A SPEAKER ON ITEM 10 WAS THEN TAKEN  
19      OUT OF ORDER TO ACCOMMODATE TRAVEL ARRANGEMENTS  
20      AND THE TEXT MOVED TO WHERE ITEM 10 WAS HEARD.  
21      ITEM 8 WAS THEN HEARD AS FOLLOWS:)

22               CHAIRMAN FRAZEE:   THANK YOU.   NOW WE WILL  
23      RETURN TO THE ISSUE THAT WAS THE SUBJECT OF PUBLIC  
24      HEARING, ITEM NO. 8, THE PROPOSED REGULATIONS FOR  
25      NONHAZARDOUS ASH OPERATIONS AND FACILITIES.



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1                   AND AT THIS TIME THERE WAS ANOTHER  
2     REQUEST, BECAUSE OF AN ADDITIONAL MEETING, FRANCES  
3     SULLIVAN, A MEMBER OF THE BOARD OF SUPERVISORS IN  
4     SHASTA COUNTY.

5                   SUPERVISOR SULLIVAN:   CHAIRMAN FRAZEE,  
6     MEMBERS OF THE COMMITTEE, I'M FRANCES SULLIVAN.  
7     I'M A SHASTA COUNTY SUPERVISOR.   SHASTA COUNTY, AS  
8     I TOLD YOU LAST TIME, GENERATES 60,000 TONS OF  
9     WOOD ASH, A FOURTH OF THE STATE'S PRODUCTION.  
10    WE'RE THE LARGEST PRODUCER OF WOOD ASH IN THE  
11    STATE, AND WE ALSO HAVE THE LONGEST EXPERIENCE  
12    WITH ASH DIVERSION PROGRAMS.   AND IN FACT, I THINK  
13    SOME OF YOUR OWN STAFF HAVE CITED US AS A ROLE  
14    MODEL OF A BENEFICIAL MULTILAYERED RECYCLING  
15    PROGRAM.

16                   WE HAVE A TEN-YEAR HISTORY WITH A  
17    VERY SUCCESSFUL ASH DIVERSION PROGRAM.   THE LOCAL  
18    AGENCY REPRESENTATIVES HAVE NO REPORTED PROBLEMS  
19    OR NO DOCUMENTED PROBLEMS THROUGHOUT OUR TEN-YEAR  
20    HISTORY.   AND I CAN TELL YOU ON A PERSONAL NOTE,  
21    AS A COUNTY SUPERVISOR WHO GETS COMPLAINTS ABOUT  
22    EVERYTHING, FROM THE KINDS OF MUSIC THEIR  
23    NEIGHBORS PLAY TO THE ROAD CONDITIONS ON CALTRANS,  
24    IN MY EIGHT YEARS AS A COUNTY SUPERVISOR, I'VE  
25    RECEIVED ONE REQUEST FOR INFORMATION AND THAT --



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1       ON THIS ISSUE.   AND WE HAVE LITERALLY THOUSANDS OF  
2       TRUCKLOADS OF ASH MOVING AROUND OUR COUNTY.

3               I THINK SOMETIMES THAT PERHAPS WE  
4       STRIVE FOR STANDARDS THAT ARE NOT FOUND IN NATURE  
5       AND AREN'T PERHAPS REASONABLE TO ATTAIN IN A  
6       MAN-BUILT ENVIRONMENT EITHER.   AND FROM OUR  
7       STANDPOINT, THE COGENERATION PLANTS ARE PROVIDING  
8       A TREMENDOUS SERVICE TO SOCIETY.   FIRST OF ALL, IN  
9       OUR COUNTY OBVIOUSLY FOREST FIRES ARE A HUGE  
10      ISSUE.   WITHOUT OUR COGENERATION PLANTS, WE WOULD  
11      NOT HAVE THE ABILITY TO CUT DOWN THE RISK FOR  
12      FOREST FIRES.   THEY HAVE BEEN KEY IN OUR MEETING  
13      OUR AB 939 STANDARDS, FIRST OF ALL, BY TAKING A  
14      LOT OF THINGS THAT WOULD GO TO OUR LANDFILL AND  
15      USING THEM FOR FUEL.   AND THEN IN ADDITION THEY  
16      GENERATE ASH, WHICH WE HAVE DOCUMENTED AS  
17      BENEFICIAL TO OUR AGRICULTURAL COMMUNITY, AND  
18      THAT'S 60,000 TONS OF ASH IF IT IS PUT INTO A  
19      CATEGORY OF WASTE WILL GO INTO OUR LANDFILL.   SO  
20      THAT WOULD BE VERY -- THAT WOULD BE REALLY  
21      DEVASTATING TO US.

22             I THINK THAT IT'S NOTEWORTHY THAT  
23      AGRICULTURAL PEOPLE TEND TO BE VERY CONSERVATIVE.  
24      THEY DON'T SPEND THEIR MONEY OR THEIR ENERGY  
25      FRIVOLOUSLY.   AND IN OUR COUNTY WE HAVE MORE





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1 DEMAND FOR THE ASH PRODUCT THAN CAN BE MET. I  
2 THINK THAT THAT OUGHT TO ADD HEAVILY TO THE  
3 ARGUMENT THAT THIS IS A BENEFICIAL USE FOR THE AG  
4 COMMUNITY.

5 THIS ASH ACCOUNTS FOR 35 PERCENT OF  
6 OUR WASTESTREAM, AND THAT WILL BE THE INCREASE IN  
7 OUR LANDFILL IF THIS IS CATEGORIZED AS A WASTE  
8 PRODUCT. I THINK THAT PERHAPS THE BIG QUESTION  
9 HERE IS WHAT IS THE QUESTION THAT THE INTEGRATED  
10 WASTE MANAGEMENT BOARD WILL HAVE TO ANSWER? AND  
11 THAT IS IF IT'S YOUR ROLE TO MAKE SURE THAT THIS  
12 SOIL AMENDMENT IS ABSOLUTELY RISK FREE, THAT  
13 THERE'S DOCUMENTATION THAT NO PROBLEM WILL EVER  
14 ARISE, THAT THAT'S PROBABLY GOING TO BE A STANDARD  
15 THAT NO ONE CAN MEET. BUT I THINK IF YOU DO THE  
16 COST BENEFIT ANALYSIS, WHICH I WOULD HOPE ALL  
17 POLICY MAKERS DO WITH EVERY REGULATION THEY PASS,  
18 YOU WILL SEE THAT THAT IS HEAVILY WEIGHTED TOWARD  
19 THE BENEFIT SIDE AS A SOIL AMENDMENT VERSUS THE  
20 COST TO SOCIETY IF THIS ASH IS FORCED TO GO INTO  
21 THE LANDFILLS.

22 SHASTA COUNTY HAS ALWAYS THOUGHT  
23 THAT ASH SHOULD BE LOCATED OUT OF TIER. WE OPPOSE  
24 THE OCTOBER 9TH REGULATIONS, BUT WE WOULD ENDORSE  
25 THE MODIFIED REGULATIONS OF DECEMBER 9TH, WHICH



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1 PUT ASH IN THE EXCLUDED TIER. THANK YOU.

2 CHAIRMAN FRAZEE: THANK YOU. NOW LET'S  
3 HEAR FROM JOHN BUCHANAN REPRESENTING WHEELABRATOR.

4 MR. BUCHANAN: THANK YOU, CHAIRMAN FRAZEE  
5 AND MEMBERS OF THE BOARD. MY NAME IS JOHN  
6 BUCHANAN. I WORK FOR WHEELABRATOR. WE HAVE THREE  
7 BIOMASS PLANTS IN CALIFORNIA. TWO OF THEM ARE  
8 LOCATED IN SHASTA COUNTY. THE ONE PLANT WHICH  
9 SEVERAL MEMBERS FROM THE BOARD AND STAFF VISITED  
10 IS ACTUALLY THE LARGEST BIOMASS PLANT IN THE STATE  
11 AND GENERATES MORE ASH BECAUSE OF THAT THAN ANY  
12 OTHER PLANT IN THE STATE.

13 AS FAR AS THE OCTOBER 9TH  
14 REGULATIONS, WE'VE EXPRESSED OUR CONCERNS BEFORE.  
15 WE DO OPPOSE THE WAY THE REGULATIONS WERE WRITTEN  
16 ON OCTOBER 9TH BECAUSE I THINK THEY WOULD  
17 DISCOURAGE THE USE OF ASH, AND THEY DO NOTHING TO  
18 GUARANTEE THAT SAFE AND BENEFICIAL USE.

19 YOU KNOW, WE AGREE WITH COMMENTS  
20 THAT HAVE BEEN MADE. BOARD MEMBER RELIS TALKED  
21 ABOUT RECORDKEEPING. AND I THINK OBVIOUSLY TO  
BE

22 IN EXCLUDED TIERS AS WAS PROPOSED IN THE  
DECEMBER

23 9TH REGULATIONS, THERE WOULD HAVE TO BE SOME

SORT

24 OF RECORDKEEPING, BUT I THINK THE MORE IMPORTANT  
25 RECORDKEEPING THAT YOU WOULD PROBABLY WANT TO  
SAY

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1        WOULD BE DOCUMENTATION ON THE COMPOSITION OF THE  
2        ASH.

3                    I THINK THAT'S FAR MORE IMPORTANT  
4        THAN SOME OF THE COMMENTS TOWARD AG PROFESSIONAL  
5        BECAUSE WHAT'S BEEN POINTED OUT IS THAT THERE IS A  
6        BROAD VARIATION IN ASH. YOU HAVE EVERYTHING FROM  
7        EXTREMELY CLEAN BIOMASS ASH THAT BURNS NOTHING  
8        BUT, SAY, MILL WASTES TO PLANTS THAT ARE INVOLVED  
9        IN THE RECYCLING OF URBAN WOODWASTE, AND THE  
10       METALS CONTENT VARIES QUITE A BIT.

11                   WE DO WITH OUR LABELING AND OUR  
12        PROCEDURES FOR SUPPLYING ASH TO FARMERS, WE SUPPLY  
13        THEM OUR LABEL FROM FOOD AND AG, WHICH SHOWS THE  
14        GUARANTEED COMPOSITIONS OF NUTRIENTS OF CALCIUM  
15        AND POTASH. WE ALSO SUPPLY THEM WITH AN MSDS  
16        SHEET. WE HAVE MATERIAL SAFETY DATA SHEETS WHICH  
17        COVER THE SAFETY PRECAUTIONS THAT WORKERS INVOLVED  
18        IN USING ASH SHOULD TAKE. WE ALSO GIVE THEM  
19        ANALYSIS OF THE NORMAL AGRICULTURAL MINERALS THAT  
20        ARE FOUND IN THE ASH BASED ON ACTUAL LAB ANALYSIS  
21        AND CONVERT THAT TO POUNDS PER TON SO THAT THE  
22        FARMERS CAN MAKE AN INFORMED DECISION ON HOW MUCH  
23        THEY NEED TO APPLY BASED ON SOIL ANALYSIS. AND  
24        THEN WE GIVE THEM A COPY OF THE HEAVY METAL  
25        ANALYSIS OF THE ASH. AND THIS IS A PACKET. I DO



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1 HAVE ONE THAT -- I DIDN'T MAKE SEVERAL COMPANIES.  
2 I DIDN'T EVEN THINK ABOUT PROVIDING IT, BUT I'D BE  
3 GLAD TO PROVIDE IT FOR THE BOARD TO SEE.

4 AND THIS IS REALLY MORE COMMON THAN  
5 UNCOMMON WITH ASH APPLICATIONS, THAT A LOT OF THE  
6 COMPANIES DO PROVIDE THIS TYPE OF INFORMATION SO  
7 THAT THE FARMERS OR IN THE CASE OF LIKE TRIAD,  
8 THE -- WHICH THEY PROVIDE THE SAME TYPE OF  
9 INFORMATION -- CAN DETERMINE HOW MUCH ASH SHOULD  
10 BE APPLIED.

11 SOME QUESTIONS THAT CAME OUT FROM  
12 FOOD AND AG, YOU KNOW, ADDRESSED THINGS LIKE IS  
13 ASH A BENEFICIAL OR DOES IT HAVE A BENEFICIAL USE  
14 IN AGRICULTURE. YOU KNOW, I THINK BASED ON WHAT  
15 THE MEMBERS THAT CAME UP TO SHASTA COUNTY SAW ON  
16 THE FIELD TRIP, IT WAS PRETTY OBVIOUS THAT IT WAS  
17 BEING USED IN A BENEFICIAL WAY. I THINK THAT THE  
18 AMOUNT OF TESTING THAT HAS BEEN CONDUCTED BY THE  
19 UNIVERSITY OF CALIFORNIA DAVIS UP IN THE NORTHERN  
20 CALIFORNIA REGION, LOOKING AT THE IMPROVEMENT IN  
21 SOIL CONDITIONS FROM APPLYING ASH BOTH FROM A PH  
22 STANDPOINT AND APPLYING AVAILABLE POTASH TO THE  
23 SOIL, DEMONSTRATES THAT IT IS BENEFICIAL.

24 AND WE EVEN HAVE A LOCAL LAB IN  
25 CHICO, MONARCH LABS, WHO WILL RECOMMEND TO  
FARMERS





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1 TO OBTAIN BIOMASS ASH AS A SOIL AMENDMENT WHEN  
2 THEY'RE LACKING IN EITHER PH OR POTASH.

3 YOU KNOW, IT WAS ASKED WHETHER ASH  
4 IS SOFTER ON THE ENVIRONMENT THAN ITS REPLACE-  
5 MENTS. IT'S KIND OF A SUBJECTIVE QUESTION. YOU  
6 KNOW, WE LOOK AT THE REPLACEMENT WOULD BE LIME,  
7 WHICH IS MINED OUT OF THE EARTH. SO, YOU KNOW,  
8 THE REPLACEMENT, WE GO OUT AND DIG A BIG HOLE IN  
9 THE GROUND. INSTEAD WE CAN TAKE SOMETHING THAT'S  
10 A BY-PRODUCT THAT, IF HANDLED PROPERLY, APPEARS TO  
11 BE SAFE AND BENEFICIAL, AND WE AVOID PUTTING IT IN  
12 A DIFFERENT HOLE IN THE GROUND. FROM A SIMPLE  
13 STANDPOINT, IT WOULD SEEM THAT IS SOFTER ON THE  
14 ENVIRONMENT.

15 AND I THINK ASH IS ONE OF MANY  
16 PRODUCTS THAT THE BOARD WILL FACE DOWN THE ROAD.  
17 SOME PRODUCTS HAVE ALREADY COME THROUGH THAT ARE  
18 USED IN AGRICULTURE THAT ARE BY-PRODUCTS. FOR  
19 EXAMPLE, SULFUR IS WIDELY USED IN CALIFORNIA. AND  
20 I THINK SULFUR IS AN EXCELLENT EXAMPLE TO LOOK AT  
21 A BY-PRODUCT WHERE WE LED THE NATION ON INTRO-  
22 DUCING A BY-PRODUCT INTO THE AGRICULTURAL  
23 COMMUNITY BECAUSE IT WAS -- IT WAS FORMED AS A  
24 BY-PRODUCT HERE SOONER THAN IT WAS FORMED  
25 ELSEWHERE IN THE COUNTRY. HIGH SULFUR CRUDES



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1       REQUIRED SULFUR TO BE REMOVED IN ORDER TO MAKE THE  
2       KINDS OF GASOLINE THAT HAD TO BE BURNED IN  
3       CALIFORNIA, SO CALIFORNIA GENERATED LOTS OF  
4       SULFUR. WE ALSO HAD ALKALINE SOILS WHICH NEEDED  
5       SULFUR. HENCE, THE SULFUR HAD A VALUE TO THE  
6       FARMER.

7                       I THINK MOST PEOPLE AGREE THAT  
8       SULFUR IS NOT BEING MISUSED OR MISMANAGED, AND  
9       IT'S FOR THAT VERY REASON IT'S GOT VALUE. A  
10      FARMER IS NOT GOING TO GO OUT AND BUY SULFUR AND  
11      SPEND MONEY TO DISPOSE OF IT ILLEGALLY. AS  
12      SUPERVISOR SULLIVAN STATED, YOU KNOW, MOST OF THEM  
13      ARE FAIRLY FRUGAL. THEY'RE NOT GOING TO GO OUT  
14      AND SPEND TOO MUCH IF THEY KNOW HOW MUCH IT NEEDS.

15                      WE'VE SEEN IT HAPPEN IN NORTHERN  
16      CALIFORNIA WITH ASH. IN THE FOUR YEARS WE'VE BEEN  
17      INVOLVED IN ASH SPREADING, THE VALUE TO THE  
18      FARMERS HAS STEADILY INCREASED AND THE DEMAND ON  
19      OUR ASH HAS INCREASED. I MEAN WE PAY NOTHING TO  
20      THESE FARMERS. IT COSTS THEM TO SPREAD OUR ASH.  
21      OBVIOUSLY THEY'RE SEEING BENEFITS; AND AS THEY  
22      CONTINUE TO SEE BENEFITS, I THINK YOU WILL  
23      DISCOURAGE THE SMALL PERCENTAGE OF SHAM DISPOSAL  
24      OR MISUSE THAT IS OCCURRING AROUND THE STATE.  
25                      THAT SEEMS TO BE THE KEY WITH MOST



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1       THINGS THAT WE TRY TO RECYCLE. WE TRY TO IMPROVE  
2       THEIR VALUE. YOU KNOW, WE TAKE CRV'S ON BOTTLES  
3       AND CANS TO MAKE IT WORTH MORE TO SOMEBODY TO TAKE  
4       IT DOWN TO THE RECYCLING CENTER.

5                   ASH IS THE SAME WAY. IF WE -- WE  
6       HAVE TO ALWAYS PROVIDE A SECURITY FOR THE  
7       ENVIRONMENT, BUT WE NEED TO MAKE SURE THAT WE'RE  
8       NOT GOING TO ADD UNDUE COST WHICH IS GOING TO  
9       DISCOURAGE USE BECAUSE THAT'S ONLY GOING TO REDUCE  
10      ITS VALUE AND IN THE LONG TERM ENCOURAGE DISPOSAL  
11      BOTH PROPERLY AND IMPROPERLY.

12                   BUT, AGAIN, WE DO SUPPORT THE  
13      COMPROMISE. I THINK THE DECEMBER 9TH LANGUAGE  
14      THAT WAS PUT TOGETHER IS A REASONABLE COMPROMISE,  
15      TRYING TO PROVIDE SECURITY TO MAKE SURE IT'S DONE  
16      SAFELY AND IN AN ENVIRONMENTALLY FRIENDLY WAY AND  
17      BENEFICIALLY AS WELL AS ALLOWING IT TO SUCCEED AS  
18      A RECYCLED MATERIAL. THANK YOU.

19                   MEMBER RELIS: I JUST HOPE THAT -- THIS  
20      HAS NO BEARING ON YOUR TESTIMONY, BUT I HOPE YOU  
21      WILL HANG AROUND FOR THE DISCUSSION AFTER THIS  
22      ITEM ON DISPOSAL ISSUES WHEN THIS ISSUE OF  
23      EXCLUSION AS IT AFFECTED COMPOST CHIP AND SHIP  
24      VERMICULTURE FACILITIES. I THINK IT BEARS  
25      LISTENING TO JUST IN TERMS OF THE DISCUSSION WE



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1 HAVE HERE TODAY.

2 MR. BUCHANAN: ARE THEY THE SAME TYPE OF  
3 THING?

4 MEMBER RELIS: NO. YOU HAD RAISED A  
5 POINT ABOUT THERE BEING NO ECONOMIC INCENTIVE TO  
6 IMPROPERLY DISPOSE OF, AND WE WILL PRESENT SOME  
7 EVIDENCE THAT OTHER MATERIAL --

8 MR. BUCHANAN: NO. I DID NOT SAY THAT IT  
9 DOESN'T GIVE ECONOMIC INCENTIVE. WHAT I SAID IS  
10 THAT WHEN SOMETHING IS INCREASED IN VALUE. YOU  
11 SEE RIGHT NOW ON THE PARTICULAR THING YOU ARE  
12 TALKING ABOUT THERE IS NO VALUE TO IT. SO  
13 SOMEBODY CAN HAVE A FINANCIAL INCENTIVE TO BE AN  
14 ALTERNATIVE DISPOSAL.

15 WHAT WE'RE SAYING IS THE SAME THING  
16 THAT OCCURRED WITH SULFUR, THERE IS A NEED IN  
17 NORTHERN CALIFORNIA FOR LIMING AGENTS, POTASH, AND  
18 MATERIALS THAT IMPROVE WATER RETENTION. THAT  
19 VALUE IS WHAT KEEPS A FARMER FROM WANTING TO GO  
20 OUT AND DO SOMETHING BECAUSE HE'S GAINING MONEY BY  
21 USING IT PROPERLY.

22 YOU'RE RIGHT. THERE ARE GOING TO BE  
23 A LOT OF MATERIALS THAT ARE DISPOSED OF WHERE  
24 THERE'S AN ECONOMIC INCENTIVE TO TRY AND BE IN AN  
25 EXCLUDED TIER, BUT I FIRMLY BELIEVE THAT, BASED ON





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1       OUR EXPERIENCE, ASH BY GAINING VALUE IN ITS  
2       BENEFICIAL USE, WILL DISCOURAGE THAT.  AND I THINK  
3       WE DEMONSTRATED THAT ON THE FIELD TRIP THAT WAS  
4       SHOWN IN SHASTA COUNTY.  THERE WAS MINIMAL  
5       REGULATIONS THAT OVERSEE WHAT GOES ON UP THERE.  
6       WE GENERATE MORE ASH THAN ANY OTHER COUNTY, AND  
7       ALL OF IT -- I MEAN WE'RE ONE OF THE FEW COUNTIES  
8       WHERE A HUNDRED PERCENT OF THE ASH IS GOING FOR  
9       FARM USE.  I THINK IF YOU USE THAT AS A HISTORY  
10      AND EXAMPLE, IT SHOULD TELL YOU WHAT HAPPENS WHEN  
11      SOMETHING INCREASES IN VALUE.

12               CHAIRMAN FRAZEE:  NEXT, CHARLES  
13      EGIGIAN-NICHOLS.

14               MR. EGIGIAN-NICHOLS:  THANK YOU, BOARD  
15      MEMBERS AND CHAIRMAN FRAZEE, FOR THE OPPORTUNITY  
16      TO SPEAK TO YOU TODAY.  I AM CHARLES  
17      EGIGIAN-NICHOLS OF BIOSOURCE CONSULTING AND  
18      PUBLISHING HERE REPRESENTING THE CITY OF PALO  
19      ALTO.  THE CITY WANTS TO LET YOU KNOW THAT IT  
20      FULLY SUPPORTS AND ENDORSES THE LATEST VERSION OF  
21      DRAFT REGULATION ON THE MATTER BEFORE US.

22               WE'VE, FROM THE CITY'S VIEWPOINT,  
23      REVIEWED THE PROPOSAL, CONSIDERED ITS IMPACTS ON  
24      THE CITY'S OPERATIONS, AND ENDORSE ALL THE  
25      PRINCIPLES EMBODIED THEREIN.



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1 JUST VERY BRIEF COMMENTS. THE CITY  
2 OWNS AND OPERATES THE PALO ALTO REGIONAL WATER  
3 QUALITY CONTROL PLANT. IT'S A 38-MILLION-  
4 GALLON-PER DAY FACILITY THAT OPERATES TWO MULTIPLE  
5 HEARTH FURNACES. IT GENERATES ABOUT 1500 TONS OF  
6 ASH A YEAR. IT'S FULLY PERMITTED THROUGH NATIONAL  
7 POLLUTION DISCHARGE ELIMINATION SYSTEM AND WATER  
8 RESOURCES CONTROL BOARD.

9 FOR MANY YEARS, IN FACT SINCE 1977,  
10 THE CITY HAS RECOGNIZED THE RESOURCE VALUE OF THIS  
11 ASH AND HAS BEEN RECYCLING IT FOR NEARLY 20 YEARS.

12 IN EVALUATING THE CONCERNS WITH THE  
13 REGULATION, THE STAFF -- AND WE ALL HAD SEVERAL  
14 POINTS THAT I WANT TO PUT ON THE RECORD FOR  
15 NOTING, BUT WE ALSO REALIZE AND RECOGNIZE THAT THE  
16 LATEST DRAFT REGULATION BASICALLY DEALS WITH ALL  
17 THESE ISSUES AND CONCERNS. WE WERE CONCERNED WITH  
18 THE SIX MONTHS' ASH STORAGE AND ACKNOWLEDGE THAT  
19 IT'S NOW BEEN CHANGED TO 12 MONTHS, AND THAT'S  
20 QUITE AGREEABLE WITH THE CITY.

21 THE CITY ENTHUSIASTICALLY ENDORSES  
22 THE CONCEPT OF LAND APPLICATION OF NONHAZARDOUS  
23 ASH BEING DECLARED WHEN DONE AT AGRONOMIC RATES  
AT  
24 BENEFICIAL USE. WE FIND THAT THAT WILL LIKELY

BE

25       VERY HELPFUL TO THE MARKETING OF THE ASH  
MATERIAL,

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1       MAINTAINING THE STABILITY OF THE REUSE MARKET.

2                   THE CITY IS AWARE OF PROPOSALS BY  
3       DR. MEYER REGARDING MOLYBDENUM AND SELENIUM -- I  
4       GOT THAT OUT OKAY -- AND WANTS TO BE ABLE TO  
5       CONTINUE TO PARTICIPATE IN THE PEER REVIEW PROCESS  
6       AND LOOK FORWARD TO BEING ABLE TO DO THAT WITH THE  
7       WASTE BOARD.

8                   SEVERAL OTHER ITEMS THAT HAVE BEEN  
9       ADEQUATELY DEALT WITH IN THE MOST RECENT DRAFT  
10      REGULATION THAT HAVE TO DO WITH THE ONE-MONTH  
11      STORAGE ON SITE WITH PROCESS OF THE LAND  
12      APPLICATION BEING INCORPORATED INTO THE EXCLUSION  
13      TIER, WE ACKNOWLEDGE THAT THAT HAS NOW BEEN  
14      REMOVED FROM THE LAND APPLICATION PROCESS. WE  
15      APPRECIATE THAT. AS WELL, THE REQUIREMENT TO DISK  
16      WITHIN FOUR DAYS OF INITIAL LAND APPLICATION.

17                  SO IN CONCLUSION, THE CITY OF PALO  
18      ALTO SUPPORTS AND ENDORSES THE EXCLUSION OF THE  
19      LAND APPLICATION OF BIOMASS ASH. AND THANK YOU  
20      VERY MUCH FOR THE OPPORTUNITY.

21                  CHAIRMAN FRAZEE: LET ME ASK A QUESTION  
22      OR TWO, IF I COULD. THE CITY OF PALO ALTO'S  
23      PRODUCTION OF ASH IS FROM THE INCINERATION OF  
24      BIOSOLIDS.

25                  MR. EGIGIAN-NICHOLS: YES, CORRECT.



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1                   CHAIRMAN FRAZEE:   SOMEWHERE IN THESE  
2   REGULATIONS I RECALL IN OUR REVIEW THERE IS A --  
3   ASK STAFF TO QUOTE THAT -- THERE'S A STATEMENT  
4   THAT, IN EFFECT, EXCLUDES FROM THESE REGULATIONS  
5   OR EXCLUDES FROM ALLOWING A MATERIAL -- THE ASH  
6   FROM A MATERIAL THAT'S CLASSIFIED OTHER THAN  
7   NONHAZARDOUS GOING INTO THE PLANT.   HOW DOES  
THAT

8   AFFECT THE INCINERATION OF BIOSOLIDS?

9                   MS. REYNOLDS:   WELL, IF THE ASH IS NOT  
10   HAZARDOUS GOING INTO THE INCINERATION PROCESS  
AND

11   IT COMES OUT NONHAZARDOUS, THEN THESE  
REGULATIONS

12   COVER THAT ASH.

13                   CHAIRMAN FRAZEE:   THE AGRICULTURAL  
USE.

14                   MS. REYNOLDS:   THE SLUDGE ASH HAS TO  
BE

15   NONHAZARDOUS, AND IT HAS TO MEET THE HEAVY  
METAL

16   LEVELS OF THE REGULATION.

17                   CHAIRMAN FRAZEE:   HOW IS SLUDGE  
18   CLASSIFIED BEFORE IT'S INCINERATED?

19                   MR. EGIGIAN-NICHOLS:   WELL, THAT

REALLY

20       DEPENDS ON THE QUALITY OF THE MATERIAL.   IN THE

21       CASE OF THE CITY OF PALO ALTO, IT IS -- HAS

GONE

22       THROUGH ALL THE TITLE 22 CRITERIA FOR

DETERMINING

23       THAT IT IS NONHAZARDOUS.   AND THE PALO ALTO

24       BIOSOLID SEWAGE SLUDGE EITHER BEFORE THE

25       INCINERATION PROCESS AND/OR AFTERWARDS HAS MET



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1        THAT CRITERIA FOR ON THE ORDER OF 15 YEARS. IN  
2        FACT, THE ASH THAT IS NOW GENERATED OUT OF THE  
3        PALO ALTO TREATMENT PLANT IS LOWER THAN THE WHAT'S  
4        CALLED EXCEPTIONAL QUALITY LIMITS FOR BIOSOLIDS  
5        RECYCLING, WHICH ARE YET LOWER THAN WHAT ARE THE  
6        METALS LIMITS IN THE DRAFT REGULATION OF THE  
7        BOARD, SO IT'S A HIGH QUALITY.

8                CHAIRMAN FRAZEE: CONCERN IS BROUGHT  
9        ABOUT BECAUSE OF CERTAIN AREAS AND ALSO SOME  
10       PERSONAL EXPERIENCE WHERE INADVERTENTLY OR BY  
11       DESIGN HEAVY METALS CONCENTRATIONS WERE HIGH IN  
12       SLUDGE. AND I'M JUST POSING THE QUESTION ABOUT  
13       OBVIOUSLY THOSE ARE GOING TO GET CARRIED THROUGH  
14       INTO THE ASH.

15               MR. EGIGIAN-NICHOLS: OBVIOUSLY.

16               CHAIRMAN FRAZEE: SO IT GETS US TO THE  
17       QUESTION OF REVIEW OF THE PRODUCT, ANALYSIS OF THE  
18       ASH PRODUCT, AND I ASSUME THAT'S BEING DONE.

19               MR. EGIGIAN-NICHOLS: THOROUGHLY, AS IS  
20       REQUIRED BY A VARIETY OF STATE AND FEDERAL LAWS.

21               CHAIRMAN FRAZEE: OKAY. THANK YOU.  
22       CHUCK WHITE, WMX TECHNOLOGIES.

23               MR. WHITE: THANK YOU, MR. CHAIRMAN,  
24       MEMBERS OF THE COMMITTEE. CHUCK WHITE WITH WMX  
25       TECHNOLOGIES.



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1 I REALLY WANT TO START OFF BY  
2 COMMENDING THE STAFF FOR DOING AN EXCELLENT JOB IN  
3 WORKING WITH A NUMBER OF DISPARATE INTERESTS OVER  
4 THE LAST SEVERAL MONTHS. WE REALLY DO BELIEVE  
5 THAT THE VERSION THAT IS BEING PROPOSED FOR LATER  
6 DISCUSSION BY THIS COMMITTEE, HOPEFULLY FOR  
7 ADDITIONAL 15-DAY NOTICE, REALLY DOES PROVIDE THE  
8 DIRECTION FOR THIS BOARD TO GO.

9 WE BELIEVE THAT THESE STANDARDS ARE  
10 REASONABLE. IT PLACES BENEFICIAL USE IN THE  
11 EXCLUDED TIER AS A BENEFICIAL ACTIVITY RATHER THAN  
12 A WASTE ACTIVITY. IT CREATES A REASONABLE  
13 STANDARD FOR DETERMINING WHETHER OR NOT AN  
14 ACTIVITY IS ELIGIBLE FOR EXCLUSION IN THIS TIER.

15 AND BY THE WAY, THERE IS A  
16 SIGNIFICANT DIFFERENCE BETWEEN THESE ASH EXCLUSION  
17 TIERS AND SOME OF THE OTHER TIERS THAT MR. RELIS  
18 MADE REFERENCE TO EARLIER. AND WE'D BE CERTAINLY  
19 HAPPY TO ENTERTAIN ADDITIONAL CONDITIONS OR  
20 REQUIREMENTS TO MAKE YOU ELIGIBLE TO MOVE IN FOR  
21 SOME OF THESE OTHER MATERIALS. BUT THERE REALLY  
22 IS A SIGNIFICANT DIFFERENCE PROPOSED IN THESE  
23 REGULATIONS BECAUSE THERE ARE CERTAIN THRESHOLD  
24 TESTS YOU HAVE TO PASS TO BE ABLE TO ENSURE THAT  
25 YOU'RE ELIGIBLE FOR THE EXCLUSION TIER.



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1                   YOU KNOW, NOT THE LEAST OF WHICH IS  
2       BEING ABLE TO DEMONSTRATE YOU'VE GOT AN AGRONOMIC  
3       USE FOR THE MATERIAL.   PROBABLY MOST IMPORTANT,  
4       THESE REGS ARE REALLY CONSISTENT WITH THE GOALS  
5       UNDER AB 939, WHICH THIS BOARD IS CHARGED WITH  
6       IMPLEMENTING AND ASSURING DOES OCCUR, AND YOU  
7       REALLY ARE PROVIDING A SET OF REGULATIONS THAT  
8       WILL ENCOURAGE THE BENEFICIAL REUSE OF THESE ASH  
9       MATERIALS.

10                   THE ASH INDUSTRY THAT HAS WORKED  
11       LONG AND HARD ON THIS THING REALLY DOES BELIEVE  
12       THAT THESE REGULATIONS OF THE DECEMBER 9TH VERSION  
13       DOES CREATE AN EQUITABLE BALANCE.   IT ENCOURAGES  
14       AND SUPPORTS THE DEVELOPMENT OF AN ASH PRODUCING  
15       INDUSTRY AS A BENEFICIAL PRODUCT, NOT AS A WASTE,  
16       BUT WE REALLY DO BELIEVE IT ENSURES THAT MISUSE OF  
17       ASH WILL NOT BE ALLOWED, AND REASONABLE STEPS ARE  
18       IN THE REGULATIONS TO ENSURE IT DOESN'T HAPPEN.

19                   WE'VE REALLY WORKED HARD TO ENSURE  
20       THAT THESE REGULATIONS WILL PROVIDE ADEQUATE  
21       PROTECTION OF HUMAN HEALTH AND THE ENVIRONMENT.  
22       IT'S NOT IN WHAT I GUESS I'LL USE, FOR LACK OF A  
23       BETTER WORD, THE LEGITIMATE ASH INDUSTRY'S  
24       INTEREST TO ALLOW THE MISMANAGEMENT OF ASH.   WE  
25       REALLY DO BELIEVE THESE REGULATIONS, IF PROPERLY



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1       APPLIED, ARE GOING TO REALLY LIMIT THE ABILITY FOR  
2       SOMEONE TO GO OFF AND MISMANAGE THEIR ASH IN A WAY  
3       THAT WOULD BE DETRIMENTAL TO OUR INTEREST BECAUSE  
4       IT'S NOT GOING TO HELP US TO HAVE SOMEBODY OUT  
5       THERE CREATING A PROBLEM THROUGH MISMANAGEMENT OF  
6       ASH THAT WOULD BE REFLECTIVE ON THE ENTIRE ASH  
7       PRODUCING INDUSTRY.

8                       SO WE REALLY ARE MOTIVATED AND WANT  
9       TO ENSURE THAT THESE KIND OF PROBLEMS, IN FACT, DO  
10      NOT DEVELOP.   THE DEPARTMENT OF FOOD AND AG HAS  
11      COME UP JUST LATELY, AND I REALLY HAVEN'T HAD A  
12      CHANCE TO STUDY THEIR LETTER IN DETAIL, BUT MY  
13      BRIEF REVIEW REALLY DOESN'T -- I DON'T REALLY  
14      BELIEVE THEY'RE AT ODDS WITH WHAT YOU ARE  
15      SUGGESTING.   YOU HAVE TO REMEMBER THAT THERE  
16      AREN'T ANY ASH REGULATIONS NOW IN PLACE.   THERE'S  
17      NOTHING.   THIS WOULD PROVIDE FOR THE FIRST TIME A  
18      FRAMEWORK FOR YOU TO VIEW ASH AND TO ENCOURAGE ITS  
19      BENEFICIAL USE.

20                     AND WE WOULD SUPPORT THIS IS A  
21      POSITIVE STEP IN THE SAME DIRECTION THAT FOOD AND  
22      AG WANTS TO GO.   NOW, FOOD AND AG IS RAISING SOME  
23      SUGGESTIONS THAT MAYBE THEY SHOULD BE MORE  
24      INVOLVED IN REGULATING ASH, AND IT'S COMPLETELY  
25      CONSISTENT WITH WHAT WE SAID ALL ALONG.   WE WOULD





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1 ENCOURAGE FOOD AND AG TO BECOME ACTIVELY INVOLVED  
2 IN REGULATING THE AGRONOMIC APPLICATION.

3 WE BELIEVE THEY HAVE CERTAIN  
4 AUTHORITY UNDER EXISTING LAW. IF THEY BELIEVE  
5 THEY NEED OTHER AUTHORITY, WE'D BE HAPPY TO WORK  
6 WITH THEM TO DEVELOP THAT AUTHORITY. THE REASON  
7 IS THE REAL ISSUE BEFORE THIS BOARD IS SHOULD YOU  
8 BE REGULATING AN AGRICULTURAL ACTIVITY OR SHOULD  
9 THAT BE WITH THE DEPARTMENT OF FOOD AND AG. AND  
10 MY FEELING IS, AND I WOULD HOPE YOU WOULD AGREE,  
11 IS IT REALLY OUGHT TO BE THE FOOD AND AG AND LET  
12 THEM SET THE ADDITIONAL STANDARDS IF THEY'RE  
13 NECESSARY.

14 THESE REGULATIONS, AS THE STAFF WILL  
15 HOPEFULLY PROPOSE FOR NOTICE FOR AN ADDITIONAL  
16 15-DAY NOTICE, REALLY DOES ENOUGH FOR YOU TO MEET  
17 YOUR NEEDS AS A SOLID WASTE REGULATORY AGENCY. IF  
18 ANYTHING MORE NEEDS TO BE DONE FROM AN AGRI-  
19 CULTURAL PERSPECTIVE, LIKE I SAY, WE BELIEVE  
20 DEPARTMENT OF FOOD AND AG OUGHT TO BE THE  
21 APPROPRIATE ENTITY TO DO THAT, AND WE WOULD  
22 CERTAINLY SUPPORT AND HAVE ALWAYS SUPPORTED THE  
23 DEPARTMENT OF AGRICULTURE APPROPRIATELY  
REGULATING  
24 AN AGRICULTURAL ACTIVITY.



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1 BELIEVE THAT THE DECEMBER 9TH REGULATIONS AS HAS  
2 BEEN DRAFTED BY STAFF REPRESENTS AN APPROPRIATE  
3 BALANCE OF ALL THE INTERESTS. WE WOULD URGE YOU  
4 TO GO AHEAD AND RENOTICE THAT.

5 ONE ISSUE THAT JOHN BUCHANAN DID  
6 MAKE MENTION OF IS THIS RECORDKEEPING. I HONESTLY  
7 DON'T BELIEVE THAT RECORDKEEPING IS NECESSARY  
8 BECAUSE OF THE WAY THE PROPOSED REGULATIONS  
9 CLEARLY ESTABLISH THAT THE BURDEN OF PROOF IS ON  
10 THE USER OF ASH. IF YOU DON'T KEEP RECORDS, HOW  
11 CAN YOU ESTABLISH THE BURDEN OF THE PROOF? IF YOU  
12 HAVE NO RECORDS, HOW CAN YOU ESTABLISH THE PROOF  
13 THAT YOU'RE USING IT? SO BY INFERENCE THERE'S NO  
14 QUESTION YOU ARE GOING TO HAVE TO MAINTAIN  
15 RECORDS.

16 IF YOU FEEL YOU NEED SPECIFIC  
17 RECORDKEEPING REQUIREMENTS, PUT THE RECORDKEEPING  
18 ON THE PRODUCER OF THE ASH TO DEMONSTRATE THE  
19 QUALITY OF ASH THAT'S BEING PRODUCED IN TERMS OF  
20 WHAT THE METAL CONTENT IS, FOR EXAMPLE. AND WE  
21 WOULD NOT OBJECT TO THAT, BUT WE WOULD HAVE  
22 CONCERNS IF ANY RECORDKEEPING REQUIREMENTS WERE TO  
23 GO SUBSTANTIALLY BEYOND THAT BASIC ADDITIONAL  
24 REQUIREMENT.

25 WE WOULD ENCOURAGE YOU TO GO AHEAD



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1       AND DIRECT STAFF TO RENOTICE FOR 15 DAYS THESE  
2       DECEMBER 9TH.  AND IF YOU REALLY, LIKE I SAY, YOU  
3       NEED TO HAVE THIS ADDITIONAL NOTICE, RECORDKEEPING  
4       RATHER, WE WOULD NOT OBJECT TO THAT IF IT'S  
5       LIMITED TO THE QUALITY OF THE ASH BY THE PRODUCER.  
6       THANK YOU.

7               CHAIRMAN FRAZEE:  NEXT KENNETH HERSH.

8               MR. HERSH:  MR. CHAIRMAN, MY NAME -- AND  
9       BOARD, MY NAME IS KENNETH HERSH.  I'M A CONSULTING  
10      GEOLOGIST AND A CONSULTANT HERE JUST AS AN  
11      OBSERVER AND HAVE BEEN SUPPLIED WITH THE DIFFERENT  
12      CHANGES THAT HAVE COME DOWN ON THIS DRAFT.  AND AS  
13      AN OBSERVER MAINLY ON THE RECLAMATION, MY CLIENT  
14      IS H. M. HOLLOWAY, WHICH IS OWNER OF THE GYPSUM  
15      MINE IN LOST HILLS.  WE'RE PRESENTLY USING ASH IN  
16      BLEND UNDER VERY STRINGENT WDR'S THROUGH THE  
17      REGIONAL WATER QUALITY CONTROL BOARD OUT OF FRESNO  
18      STAFF.  AND SO WE HAVE AN INTEREST IN WHAT YOU  
19      WILL FINALLY DO WITH THIS MATERIAL IN THE  
20      REGULATIONS.

21              I HAVE ONLY ONE COMMENT.  I'LL MAKE  
22      IT VERY BRIEF.  UNDER THE PAGE 2, UNDER THE  
23      CATEGORY OF AGRICULTURAL PROFESSIONAL, AFTER  
24      WORKING FIVE YEARS IN ASH AND DOING A SITE  
25      CHARACTERIZATION AND A TOTAL STUDY AND REPORT OF



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1       THIS MATERIAL, I THINK IT BEST UNDER LINES 11, 12  
2       AND -- 11 AND 12, I WOULD SUGGEST YOU ELIMINATE  
3       THAT AND LEAVE IT TO A PROFESSIONAL CROP OR SOIL  
4       OR AGRONOMIST TO CONTROL THIS MATERIAL.

5                       THIS MATERIAL COULD BE OF BENEFIT.  
6       IT DOES HAVE METALS IN IT. SOMETIMES YOU CAN HAVE  
7       MORE THAN WHAT YOU WANT IN THE WAY OF CONCEN-  
8       TRATIONS OF METALS. BUT I WOULD -- THE ONLY  
9       SUGGESTION I WOULD HAVE TODAY WOULD BE THAT YOU  
10      WOULD ELIMINATE 11 AND 12 OF PAGE 2 AND LEAVE IT  
11      TO A PROFESSIONAL TO DETERMINE HOW MUCH YOU ARE  
12      GOING TO REGULATE THIS MATERIAL.

13                     I MIGHT ADD I'VE HEARD A LOT OF  
14      DISCUSSION TODAY ABOUT HOW ARE YOU GOING TO  
15      REGULATE THE METAL CONCENTRATIONS AND OTHER  
16      THINGS. WE'D REQUIRE -- THE COGENERATION  
17      FACILITIES IN WHICH WE GET ASH FROM, WE REQUIRE  
18      THEY AT LEAST TEST TTLC AND STLC ALONG WITH MANY  
19      OTHER TESTS THAT WE REQUIRE, NITRATES, CHLORIDES,  
20      BORON, AND OTHER THINGS, WE REQUIRE THEY PROVIDE  
21      THAT TYPE OF TEST TO US AT LEAST TWICE A MONTH.  
22      AND THEN WE CAN DETERMINE AND MEET OUR WDR'S  
23      PROPERLY IN BLENDING IT WITH SOILS AND USING IT  
24      FOR RECLAMATION AND BACKFILL AT H. M. HOLLOWAY IN  
25      THE DEPLETED PITS.





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1                   THOSE ARE MY COMMENTS.   THANK YOU.

2                   CHAIRMAN FRAZEE:   THANK YOU.   NEXT DAVID

3   COLLENTINE REPRESENTING SHN CONSULTING.

4                   MR. COLLENTINE:   THANK YOU, BOARD

5   MEMBERS.   MY NAME IS DAVID COLLENTINE.   I

6   REPRESENT SHN CONSULTING ENGINEERS FROM EUREKA,

7   CALIFORNIA.   I'M HERE ON BEHALF OF THE FAIRHAVEN

8   POWER COMPANY LOCATED IN EUREKA, CALIFORNIA.   I

9   SUBMITTED COMMENTS ON BEHALF OF FAIRHAVEN POWER TO

10   THE BOARD.   YOU SHOULD HAVE THOSE IN YOUR RECEIPT.

11                  FAIRHAVEN POWER COMPANY PRODUCES

12   ELECTRICITY COMPLETELY FROM WOOD DERIVED FUEL

13   SUPPLY.   IT'S ALL DERIVED FROM CHIPPING OPERATIONS

14   OF HARD WOOD LOGS AND FROM LUMBER MANUFACTURING

15   BY-PRODUCT.

16                  SINCE FAIRHAVEN HAS BEEN INVOLVED IN

17   ASH DIVERSION SOMETIME STARTING IN 1994, THEY'VE

18   DIVERTED OVER 30,000 YARDS OF MATERIAL.   AND THAT

19   MATERIAL HAS BEEN DEMONSTRATED TO HAVE BENEFICIAL

20   EFFECTS ON DAIRY AND RANGE LAND PASTURE

21   PRODUCTION.   AS A RESULT, IN ITS ASH DIVERSION

22   PROGRAM, FAIRHAVEN HAS SOUGHT TO MANAGE THE ASH AS

23   A BENEFICIAL PRODUCT AND NOT AS A WASTE.

24                  DEFINITIONS OF WASTE IN THE

25   CALIFORNIA CODE OF REGULATIONS HAS CERTAINLY



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1 THROWN US IN A LOT OF DIFFERENT DIRECTIONS. THIS  
2 IS A CASE IN POINT WHERE DEFINITIONS DO NOT OFTEN  
3 REFLECT OUR CURRENT UNDERSTANDING OF THE MATERIAL  
4 AND HOW IT CAN BENEFICIALLY BE USED.

5 WE HAVE WORKED CLOSELY WITH OUR  
6 COUNTY TO HELP THEM MEET THEIR AB 939 MANDATES.  
7 AND IN ADDITION TO THAT, FAIRHAVEN POWER COMPANY  
8 HAS BEEN VERY CONCERNED ABOUT ITS ASH MANAGEMENT  
9 COSTS. THE BENEFICIAL DIVERSION OF ASH AS A SOIL  
10 AMENDMENT HAS REDUCED THEIR ASH MANAGEMENT COST  
11 SIGNIFICANTLY.

12 IN THE COURSE OF IMPLEMENTING AN ASH  
13 DIVERSION PROGRAM, WE HAVE WORKED CLOSELY WITH THE  
14 NORTH COAST REGIONAL WATER QUALITY CONTROL BOARD  
15 AND DEVELOPED A SYSTEM BY WHICH WE APPLY ASH IN  
16 ACCORDANCE WITH GOOD AGRONOMIC PRACTICES. WE  
17 DERIVE DATA BASED ON THE ASH STREAM, LOOKING AT  
18 ITS BENEFICIAL CHARACTERISTICS IN RELATIONSHIP TO  
19 LIMING POTENTIAL, POTASSIUM CONTENT, AND  
20 PHOSPHORUS CONTENT, AND SO ON.

21 THE WDR'S THAT WE ARE REGULATED BY,  
22 THE REGIONAL WATER QUALITY CONTROL BOARD REQUIRE  
23 QUARTERLY REPORTING. QUARTERLY REPORTS ARE  
24 SUBMITTED TO THE REGIONAL BOARD AND COPIED AS A  
25 COURTESY TO THE LEA. THE RELATIONSHIP WITH THE



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1 BOARD HAS UNFORTUNATELY BEEN CENTERED ON A  
2 DEFINITION OF WASTE. AGAIN, CALIFORNIA CODE OF  
3 REGULATIONS HAS PRECIPITATED THEIR ROLE AS WELL AS  
4 SOME OTHER ROLES THAT HAVE BEEN INVOLVED IN THE  
5 PROTECTION OF WATER QUALITY.

6 THE CALIFORNIA INTEGRATED WASTE  
7 MANAGEMENT BOARD HAS A RESPONSIBILITY TO REGULATE  
8 SOLID WASTE. THE DEFINITION OF THE PUBLIC  
9 RESOURCES CODE OBVIOUSLY INCLUDES ASH IN THAT  
10 SOLID WASTESTREAM. BUT I BELIEVE THE BOARD HAS A  
11 BETTER -- CAN BETTER SERVE THE PUBLIC AND THE  
12 INDUSTRY BY REEVALUATING THE TERMINOLOGY AND THE  
13 DEFINITION THAT'S INCLUDED IN THE PUBLIC RESOURCE  
14 CODE AND LOOK AT ASH, NONHAZARDOUS ASH THAT IS, AS  
15 A BENEFICIAL USE AND PARTICULARLY IN THIS CASE AS  
16 A SOIL AMENDMENT WHERE IT HAS BENEFICIAL  
17 PROPERTIES.

18 THERE ARE OTHER INSTANCES WHERE  
19 INDUSTRIAL BY-PRODUCTS SUCH AS BEET LIME, SUCH AS  
20 BONE MEAL ARE WASTES. AND THE INTEGRATED BOARD  
21 HAS NOT TAKEN ACTION TO REGULATE THOSE WASTE-  
22 STREAMS IN THEIR APPLICATION IN AGRICULTURE  
23 CONDITIONS, AS FAR AS I UNDERSTAND. BASED ON  
24 THIS, I BELIEVE THE BOARD SHOULD MAKE A FINDING  
25 THAT THERE ARE BENEFICIAL USES TO BIOMASS DERIVED



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1       ASH, NONHAZARDOUS ASH; AND THAT BASED ON THAT  
2       FINDING, THAT THAT ASH IN LAND APPLICATION SHOULD  
3       BE CATEGORICALLY EXEMPT FROM THE TIERING AND  
4       SHOULD NOT BE PREMISED OR FUTURE REGULATIONS  
5       SHOULD NOT SOLELY BE PREMISED ON A DEFINITION OF  
6       ASH AS SOLID WASTE.

7                       WE NEED TO CHANGE OUR PERSPECTIVE.  
8       WE NEED TO CHANGE OUR PERSPECTIVE BASED ON A  
9       CURRENT UNDERSTANDING OF THE MATERIAL.   CURRENTLY  
10      ASH IS BEING COLLECTED AND IS BEING RETURNED TO  
11      THE ECONOMIC MAINSTREAM.   CONSEQUENTLY THIS MEETS  
12      A RECYCLING DEFINITION ACCORDING TO THE PUBLIC  
13      RESOURCES CODE.   CONSEQUENTLY THE RETURN OF A  
14      MATERIAL TO THAT ECONOMIC MAINSTREAM SHOULD FOCUS  
15      ON QUALITY AND THE FACT THAT IT IS NOT CREATING A  
16      NUISANCE CONDITION.

17                      IN THIS CASE I BELIEVE THE  
18      INTEGRATED BOARD SHOULD PASS JURISDICTION OF THE  
19      MATERIAL IN THE SENSE OF QUALITY TO THE CALIFORNIA  
20      DEPARTMENT OF FOOD AND AGRICULTURE.   THIS IS THE  
21      APPROPRIATE REGULATORY OVERSIGHT.   THE INTEGRATED  
22      BOARD HAS HAD A VERY IMPORTANT ROLE TO DATE IN THE  
23      EVALUATION OF REGULATION CONCERNING THIS WASTE-  
24      STREAM OR BY-PRODUCT STREAM.   HOWEVER, IN

THE

25        MODERN CONTEXT OF CALIFORNIA REGULATIONS,  
THE

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1 PERMIT STREAMLINING PROCESS, AND OUR CURRENT  
2 UNDERSTANDING OF MATERIALS AND DIVERSION OF  
3 BENEFICIAL MATERIALS IN THE WASTE ARENA, IF YOU  
4 WILL, WE NEED TO GO OUT AND LOOK AT HOW WE CAN  
5 EFFECTIVELY REGULATE THAT. AND IF WE NEED TO PASS  
6 IT TO ANOTHER REGULATORY JURISDICTION, THEN SO BE  
7 IT, AND ALLOW THAT OTHER REGULATORY JURISDICTION  
8 TO IMPLEMENT REGULATIONS, EVEN THOUGH THEY ARE NOT  
9 ON THE BOOKS TODAY, TO ADDRESS CONCERNS THAT MAY  
10 BE OUT THERE AS FAR AS PUBLIC HEALTH AND SAFETY  
11 AND THE ENVIRONMENT.

12 AS I SAID, WE ARE UNDER STRINGENT  
13 REGULATION BY THE CALIFORNIA REGIONAL WATER  
14 QUALITY CONTROL BOARD. IT HAS COME TO MY  
15 ATTENTION THAT MAYBE SOME ASH APPLICATORS ARE  
16 NOT -- YOU KNOW, IF WE WERE TO LOOK AT THAT VERY  
17 CLOSELY OUTSIDE THIS ROOM AT SOME OF THOSE  
18 OFFICES, THERE MAY BE SOME NEED TO GO BACK AND  
19 LOOK AT THOSE DEFINITIONS. I KNOW THERE'S BEEN  
20 EFFORTS MADE AT THE STATE WATER RESOURCE CONTROL  
21 BOARD TO PUT OUT MODEL REGULATIONS, AND THOSE  
22 ARE  
23 VERY POSITIVE. HOWEVER, YOU KNOW, IF WE ARE  
24 LOOKING AT THE BENEFICIAL USE OF A MATERIAL, IN  
THIS CASE BIOMASS DERIVED ASH OR EVEN COAL

25        GENERATION ASH, WE NEED TO PASS ON THE  
BENEFICIAL

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1 ASPECTS TO THE CALIFORNIA DEPARTMENT OF FOOD AND  
2 AGRICULTURE.

3 THE INTEGRATED BOARD CAN MAKE A  
4 MOTION TO ASK THE AGRICULTURAL COMMISSIONERS OR  
5 THE STATE DEPARTMENT OF FOOD AND AGRICULTURE TO  
6 REVISE ITS CHAPTER 5 REGULATIONS GOVERNING  
7 FERTILIZER MATERIALS LAW AND REGULATIONS, THAT  
8 THERE'S BEEN SOME COMMENT TODAY THAT ARE PERHAPS  
9 OUTDATED, AND SO BE IT. THINGS ARE OUTDATED. AND  
10 LET'S MOVE ON.

11 SO I'M ASKING THE INTEGRATED BOARD  
12 TO APPROVE THE LATEST VERSION OF THE REGULATIONS  
13 AS DRAFTED BY THE CALIFORNIA BIOMASS ENERGY  
14 ALLIANCE AND AS REFLECTED IN THE DRAFT REGULATIONS  
15 DATED DECEMBER 9, 1996, THAT IS BEFORE THE  
16 COMMITTEE TODAY AND MOVE ON. LET'S KEEP GOING ON  
17 THIS PROCESS AND CONSOLIDATE OUR REGULATORY  
18 PROCESS AND FOCUS ON THE OTHER ISSUES AT HAND.

19 I BELIEVE THAT THERE ARE SOME  
20 CONCERNS OUT THERE IN RELATIONSHIP TO METALS  
21 CONTENT LOADING RATES. THOSE ISSUES PRIMARILY  
22 ARE, IN MY VIEW, IN THE PURVIEW OF THE STATE WATER  
23 RESOURCE CONTROL BOARD BECAUSE THEY HAVE ULTIMATE  
24 EFFECT ON WATER QUALITY, SURFACE WATER QUALITY.  
25 THEY DO HAVE SOME COROLLARY EFFECTS TO FEED AND



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1        AGRICULTURAL PRODUCTS, AND THAT CAN BE LOOKED AT.  
2        DR. MEYERS HAS BROUGHT THAT UP AND I THINK IT'S  
3        OBVIOUSLY BEING LOOKED AT.

4                        THE RELUCTANCE OF THE BOARD TO LET  
5        GO, LET'S LET GO. LET'S MOVE ON. YOU KNOW, CDFA  
6        CAN TAKE THIS ON. THEY'RE A RESPONSIBLE ENTITY  
7        AND AGENCY AND LET'S GO. CHAPTER 5 CAN BE REVISED  
8        AND MOTION BY THE INTEGRATED BOARD TO DO THAT CAN  
9        BE MADE.

10                      THE CONCERNS ABOUT STANDARDIZED FUEL  
11        SOURCES, FAIRHAVEN POWER DOES HAVE A STANDARDIZED  
12        FUEL SOURCE. AND I THINK ALL DISCHARGERS OR  
13        GENERATORS -- EXCUSE ME -- OF ASH WILL HAVE TO  
14        PARTICIPATE AS DUE DILIGENCE AND PROOF OF BURDEN  
15        OR BURDEN OF PROOF TO DEMONSTRATE THAT THE  
16        MATERIAL IS NONHAZARDOUS, THAT IT HAS THE  
17        BENEFICIAL QUALITIES THAT WE'RE SEEKING IN AN  
18        AGRICULTURE APPLICATION, AND THAT CAN BE  
19        ADEQUATELY REGULATED UNDER THE CALIFORNIA  
20        DEPARTMENT OF FOOD AND AGRICULTURE IN ANY TYPE OF  
21        REVISED OR CURRENT REGULATION. AND IT'S ALSO  
22        GOING TO BE DONE BY THE GENERATORS ON THEIR  
OWN  
23        BEHALF BECAUSE WE ALSO HAVE PEOPLE OUT THERE  
THAT

24 ARE ILL INFORMED ABOUT MATERIALS AND SOMETIMES  
25 ATTACK GENERATORS BASED ON ILL-FORMED  
INFORMATION.

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1                   SO ON THAT RECORD, I SUPPORT THE  
2       DECEMBER 9, 1996, ON BEHALF OF FAIRHAVEN POWER  
3       COMPANY AND WANT TO COMMEND THE BOARD STAFF  
4       EFFORTS TO WORK WITH INDUSTRY. I THINK IT'S A  
5       VERY DIFFICULT SITUATION. I THINK THE BIOMASS  
6       ALLIANCE HAS DONE A GOOD JOB, AND WE HAVE A GREAT  
7       OPPORTUNITY HERE TO MOVE INTO THE 21ST CENTURY IN  
8       A POSITIVE AREA OF LOOKING AT DIVERSION OF ASH  
9       FROM OUR LANDFILLS, AND LET'S GET IT INTO USE AND  
10      BENEFICIAL USE. THANK YOU.

11               CHAIRMAN FRAZEE: OKAY. THANK YOU. LET  
12      ME POSE A QUESTION TO STAFF. THE ISSUE HAS BEEN  
13      RAISED ABOUT IN THE DEFINITION SECTION, THE  
14      DEFINITION OF AGRICULTURAL PROFESSIONAL. AND MY  
15      UNDERSTANDING, IN READING OF THE REGULATIONS, THAT  
16      EXPERTISE ONLY RELATES TO DETERMINING THE  
17      CONSTITUENT MAKEUP OF THE ASH. IT DOES NOT NOW  
18      RELATE TO ANY APPROVALS OF LAND APPLICATION; IS  
19      THAT CORRECT?

20               MR. BLOCK: I'M NOT EXACTLY SURE OF THE  
21      DISTINCTION YOU ARE MAKING. AS THE REGULATIONS  
22      ARE SET FORTH NOW, THE AGRICULTURAL PROFESSIONAL  
23      WOULD BE THE INDIVIDUAL THAT IS SETTING THE  
24      AGRONOMIC RATE.

25               CHAIRMAN FRAZEE: WHO LOOKS AT THIS





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1 MATERIAL AND SAYS, YES, THIS IS SUITABLE FOR LAND  
2 USE APPLICATION.

3 MR. BLOCK: I THINK IT'S DOING MORE THAN  
4 THAT, ACTUALLY SETTING A RATE BASED ON VARIOUS  
5 FACTORS, SOME OF WHICH ARE LISTED IN THE  
6 REGULATION.

7 CHAIRMAN FRAZEE: BUT IS NO LONGER -- IN  
8 THE ORIGINAL DRAFT REGULATIONS, IT APPEARED THAT  
9 THAT AGRICULTURAL PROFESSIONAL LOOKED AT  
10 APPLICATION BY APPLICATION AND DID -- TOOK SOIL  
11 SAMPLES AND SAID THIS AMOUNT IS SUITABLE FOR THIS  
12 PARTICULAR PIECE OF PROPERTY AND THAT. THAT PART  
13 OF IT HAS -- IS NO LONGER IN THESE REGULATIONS.

14 MR. BLOCK: THAT PART IS STILL THERE.  
15 THE PART THAT WAS DROPPED OUT OF THESE REGULATIONS  
16 WERE THE PARTICULAR SPECIFIED TYPES OF FINDINGS  
17 AND RECORDKEEPING AND A SIGNATURE UNDER PENALTY OF  
18 PERJURY, THAT PART WAS DROPPED OUT. HAD TO BE  
19 BASICALLY WHEN WE MOVED THESE INTO THE EXCLUDED  
20 TIER. BUT THAT'S LOGISTICAL, IF YOU WILL,  
21 PORTIONS OF THAT DROPPED OUT. THE OVERALL  
22 REQUIREMENT TO SET THE RATE AND TO LOOK AT THOSE  
23 ISSUES IS STILL THERE. THIS PERSON IS JUST NOT  
24 CERTIFYING AND MAKING SPECIFIED FINDINGS IN THE  
25 WAY THAT THEY WERE IN THE OLD REGS. DOES THAT



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1       HELP?

2                   CHAIRMAN FRAZEE:  LET ME PURSUE THAT JUST  
3       A BIT MORE.  MY ORIGINAL PROBLEM WITH THE INITIAL  
4       DRAFT REGULATIONS WERE THAT IT PUT THIS BOARD IN  
5       THE POSITION OF REGULATING AGRICULTURAL PRACTICES.  
6       MY READING OF THIS NOW TELLS ME THAT'S NO LONGER  
7       IN THESE REGULATIONS.  AM I CORRECT IN THAT OR  
8       NOT?

9                   MR. BLOCK:  I WOULD SAY THAT THAT'S  
10      PROBABLY A FAIR ASSESSMENT.  YOU KNOW, IN A SENSE,  
11      BECAUSE THESE REGULATIONS SET UP THRESHOLD, YOU  
12      CAN'T SAY THAT WE DON'T HAVE ANY REQUIREMENTS  
13      BECAUSE IN A SENSE WE DO.  BUT AS LONG AS THAT  
14      THRESHOLD IS BEING MET AND THE REGULATIONS AS  
15      PHRASED ALLOW FLEXIBILITY IN HOW AN INDIVIDUAL  
16      SITE IS GOING TO SHOW THAT THEY'VE MET THAT  
17      THRESHOLD, ONCE THEY'VE MET THAT THRESHOLD, WE'RE  
18      NOT REGULATING THEM.

19                  MEMBER RELIS:  ANOTHER WAY TO PUT THAT BE  
20      THAT WHAT IS PRESENTED IN THE RECOMMENDATION IN  
21      THE REGULATION IS THAT WE DON'T REGULATE  
22      AGRICULTURE.  WHAT WE DO IS WE IDENTIFY A PARTY  
23      WHO HAS THE KNOWLEDGE TO BE A FILTER BETWEEN  
24      OUR -- THE WASTE SIDE AND, YES, THIS WILL BE  
25      APPLIED IN AGRONOMIC RATE, BUT WE DON'T EVALUATE



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1        THAT JUDGMENT.

2                MR. BLOCK:    THAT'S CORRECT.

3                MEMBER RELIS:    OKAY.    SO THAT'S WHERE WE  
4        STOP.

5                MR. BLOCK:    IT'S ANALOGOUS TO THE  
6        DISCUSSION THAT WE HAVE IN A NUMBER OF REGULATIONS  
7        WHERE WE TALK ABOUT PERFORMANCE STANDARDS VERSUS  
8        PROSCRIPTIVE STANDARDS WHERE IT'S SETTING UP A  
9        STANDARD THAT HAS TO BE MET, BUT WE'RE NOT SAYING  
10       EXACTLY HOW THAT'S DONE.

11               CHAIRMAN FRAZEE:    THE DETERMINATION OF  
12       THAT IS -- HAS BEEN BROADENED A BIT TO NOT ONLY  
13       EXCLUDE A CERTIFIED AGRONOMIST, BUT OTHER PEOPLE  
14       WHO ARE APPROPRIATELY LICENSED TO PERFORM.    LET ME  
15       FIND THE SENTENCE HERE.

16               MS. REYNOLDS:    YES.    THAT'S UNDER (A)(2).  
17       HAS A MINIMUM OF FIVE YEARS OF EXPERIENCE IN  
18       DEVELOPMENT, IMPLEMENTATION, AND/OR MAINTENANCE OF  
19       FERTILITY PROGRAMS FOR AGRICULTURAL CROPS.    AND WE  
20       ADDED FOREST OR RANGE LAND, AND THEN WE FURTHER  
21       DEFINED WHAT FERTILITY PROGRAMS MEANT.

22               CHAIRMAN FRAZEE:    OKAY.    NOW I THINK  
23       WE'RE READY TO MOVE TO LEA'S AND KEN CALVERT, WE  
24       STILL HAVE TIME TO HEAR FROM YOU AND LET YOU CATCH  
25       YOUR AIRPLANE.



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1                   MR. CALVERT:   THANK YOU, MR. FRAZEE.   KEN  
2   CALVERT, SAN DIEGO COUNTY LOCAL ENFORCEMENT  
3   AGENCY.   I GUESS I WANT TO JOIN CDFA IN BEING  
4   REPREHENSIBLE AND INEXCUSABLE.   AND I'M VOICING  
5   OPPOSITIONS TO THESE CHANGES.   AND SPECIFICALLY  
6   I'D LIKE TO REQUEST THIS BOARD NOT SLOT LAND  
7   APPLICATIONS AND RECLAMATION PROJECTS IN THE  
8   EXCLUSION TIER.

9                   I THINK OUR LEA AGREES WITH MOST OF  
10   THE OTHER COMPROMISES THAT HAVE BEEN MADE IN THIS  
11   REGULATION, BUT WE DO FEEL THAT THERE'S PLENTY OF  
12   JUSTIFICATION FOR KEEPING THIS IN THE  
NOTIFICATION

13   TIER.   OUR EXPERIENCE WITH GREEN WASTE GIVES US  
NO  
14   CONFIDENCE BASICALLY IN THE EXCLUSION TIER AS AN  
15   APPROPRIATE REGULATORY TIER.

16                   AND BEYOND THAT, WHICH I FAILED TO  
17   MENTION BEFORE, WE'RE PURSUING LOCAL REGULATION  
IN  
18   TERMS OF GREEN WASTE MANAGEMENT.   WHAT I FEAR IS  
I  
19   WOULDN'T WANT TO BE PUT IN THAT POSITION OF  
TRYING  
20   TO WRITE LOCAL REGULATION TO ALSO SUPPORT THIS

21 TIER OR ASH REGULATION IN THE SAME WAY THAT WE'RE  
22 DOING GREEN WASTE.  
23 IN HAZARDOUS WASTE MANAGEMENT  
24 THERE'S A CONCEPT WHICH IS CALLED "USE  
25 CONSTITUTING DISPOSAL." AND THAT'S SOMETHING  
THAT



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1 WE DON'T USE IN SOLID WASTE, BUT I THINK THAT ANY  
2 TIME YOU HAVE LAND APPLICATION, THERE'S ALWAYS  
3 THAT FEAR THAT YOU'RE TAKING WASTE AND YOU ARE  
4 APPLYING IT TO LAND AND THAT THAT, IN FACT,  
5 CONSTITUTES DISPOSAL.

6 BASICALLY WE'RE CONCERNED THAT  
7 INDUSTRY IS SO CONCERNED ABOUT NOTIFICATION, AND  
8 WE'RE WONDERING -- WE THINK THAT NOTIFICATION IS  
9 AN APPROPRIATE PLACE FOR THIS TYPE OF TIER. WE  
10 THINK IT'S A MINIMAL SORT OF VIEW THAT WE'RE  
11 NOTIFIED WHERE WASTE IS BEING APPLIED TO LAND, AND  
12 IT'S REASONABLE AND NOT EXCESSIVELY EXPENSIVE. SO  
13 WE WOULD JUST RECOMMEND THAT YOUR BOARD RECONSIDER  
14 SLOTTING LAND APPLICATIONS AND RECLAMATION  
15 PROJECTS INTO THE NOTIFICATION TIER. THE REST OF  
16 THE COMPROMISE ON THE REGULATION WE WOULD ALSO  
17 SUPPORT.

18 CHAIRMAN FRAZEE: LET ME ASK YOU. ARE  
19 YOU AWARE OF ANY LAND APPLICATION OF ASH IN THESE  
20 CATEGORIES IN SAN DIEGO COUNTY?

21 MR. CALVERT: NO, I'M NOT. AS FAR AS I  
22 KNOW --

23 CHAIRMAN FRAZEE: OR OVER MOST OF  
24 SOUTHERN CALIFORNIA, FOR THAT MATTER.

25 MR. CALVERT: I'M NOT AWARE OF -- I'M



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1       AWARE OF OTHER PARTS OF SOUTHERN CALIFORNIA WHERE  
2       ASH IS BEING APPLIED AND ALSO OTHER LEA'S THAT  
3       HAVE CONCERNS BASED ON THEIR OWN EXPERIENCE.

4               CHAIRMAN FRAZEE:   AND I CERTAINLY SHARE  
5       YOUR CONCERN AS IT RELATES TO THE OTHER ISSUE THAT  
6       WE HAVE ON NO. 10 TODAY.   THANK YOU.

7               WILLIAM O'RULLIAN, KERN COUNTY.

8               MR. O'RULLIAN:   MY NAME IS WILLIAM  
9       O'RULLIAN.   I'M THE SOLID WASTE PROGRAM SUPERVISOR  
10      FOR KERN COUNTY ENVIRONMENTAL HEALTH.

11              MR. CHAIRMAN AND MEMBERS OF THIS  
12      COMMITTEE, I APPRECIATE THIS OPPORTUNITY TO SPEAK  
13      ON THIS ISSUE.   I THINK TODAY WE HAVE HEARD THE  
14      JOY OF FLY ASH, THE FEAR OF FLY ASH, AND NOW I  
15      WISH TO SPEAK ON THE REALITY OF FLY ASH, AT LEAST  
16      AS IT OCCURS IN KERN COUNTY.

17              EARLIER THERE HAS BEEN DISCUSSION  
18      ABOUT CONSENSUS ON THE DECEMBER 9TH REGULATIONS,  
19      AND I THINK THAT IF THE STAKEHOLDER AGENCIES THAT  
20      WERE AT THAT MEETING WERE POLLED AND ASKED IF THEY  
21      BELIEVE THAT THE CONSENSUS HAS PROVIDED ASSURANCE  
22      THAT PUBLIC HEALTH, SAFETY, AND ENVIRONMENTAL  
23      CONCERNS ARE GOING TO BE MET, THEY WOULD BE --  
24      THAT WOULD BE QUESTIONED.   AND SO WE DO NOT FEEL  
25      THAT THERE HAS BEEN CONSENSUS MADE ON THAT ISSUE.



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1       AT LEAST I CAN SPEAK FOR THE LEA'S THAT WERE  
2       PRESENT AT THAT MEETING.

3                       WE BELIEVE THAT --

4                       MEMBER RELIS:   COULD I JUST -- ARE YOU  
5       SPEAKING FOR THE OTHER LEA'S, OR YOU SPEAKING FOR  
6       KERN COUNTY?

7                       MR. O'RULLIAN:   THERE WERE TWO LEA'S AT  
8       THAT MEETING, YOLO COUNTY AND KERN COUNTY.   AND I  
9       WOULD LIKE TO -- AND I SPOKE WITH RICHARD HANSON,  
10      WHO, AS YOU KNOW, HAS A LEADERSHIP POSITION WITH  
11      ENFORCEMENT AGENCIES IN THE SOUTHERN CALIFORNIA,  
12      AND HE HAS PROVIDED YOU WRITTEN CONCERNS THAT I  
13      THINK WOULD SHOW THAT -- THE BROAD BASE OF CONCERN  
14      ELICITED BY THOSE LEA'S.

15                      THIS IS A COMPLEX ISSUE, AND WE SEE  
16      THIS AS THE LYNCHPIN FOR ALL OTHER WASTES THAT  
17      WILL BE LAND SPREAD OR LAND APPLIED IN THE FUTURE.  
18      THE COMMENTS I HAVE TODAY I'D LIKE TO ADDRESS TO  
19      THE OCTOBER 9TH REGULATIONS BECAUSE THAT IS WHAT I  
20      UNDERSTOOD THIS DISCUSSION WOULD BE TODAY WOULD BE  
21      TO THE -- RATHER THAN THE DRAFT THAT APPEARED ON  
22      DECEMBER 3D; IS THAT CORRECT?   ARE WE TALKING  
23      ABOUT OCTOBER 9TH?

24                      MR. BLOCK:   THIS IS THE PUBLIC HEARING  
25      PRIMARILY FOR THE OCTOBER 9TH REGULATIONS.



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1                   MR. O'RULLIAN: SO IN REFERENCE TO THAT,  
2           I'D LIKE TO FIRST SPEAK TO THE ONE SMALL ISSUE IN  
3           BEGINNING REGARDING THE AUTHORITY AND SCOPE OF THE  
4           REGS. IN ITEM A IT MENTIONS THAT THESE STANDARDS  
5           WOULD BE APPLIED TO ONLY THOSE FACILITIES THAT  
6           HANDLE NONHAZARDOUS ASH. THE USE OF THE MODIFIER  
7           "ONLY" WITH REGARD TO NONHAZARDOUS ASH MAY PRESENT  
8           PROBLEMS OF INTERPRETATION BY LOCAL ENFORCEMENT  
9           AGENCIES.

10                   IN COMMON PRACTICE MANY OPERATIONS  
11          WHICH HANDLE NONHAZARDOUS ASH ALSO RECEIVE OTHER  
12          WASTESTREAMS. FOR EXAMPLE, BIOSOLIDS, CANNERY  
13          WASTE, AND FOOD PROCESSING RESIDUES ARE OFTEN LAND  
14          APPLIED IN CONJUNCTION WITH FLY ASH. THE USE OF  
15          WASTE-DERIVED MATERIAL FROM MULTIPLE SOURCES FOR  
16          ROAD BUILDING SHOULD ALSO BE NOTED. IN THIS CASE  
17          FLY ASH MAY BE BLENDED WITH INDUSTRIAL PROCESS  
18          WATER, CONTAMINATED SOIL, TANK BOTTOMS, OR SOME  
19          SEDIMENTS, AND SUBSEQUENTLY USED AS ROAD BASE.  
20          AND THIS IS DOCUMENTED IN THE ROADS THAT WE HAVE  
21          SEEN CONSTRUCTED IN KERN COUNTY USING ASH  
22          MATERIALS.

23                   WE, THEREFORE, REQUEST CLARIFICATION  
24          OF THIS SECTION AS IT MAY APPLY TO BLENDING AND/OR  
25          THE CONSECUTIVE USE OF MULTIPLE WASTESTREAMS.





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1                   SECONDLY, ON THE ISSUE OF  
2    AGRICULTURAL PROFESSIONAL, THIS DEFINITION IN PAGE  
3    1, LINE 5 THROUGH 12, APPEARS TO BE SO GENERAL AS  
4    TO BE MEANINGLESS. IN THE BROAD SENSE, THE  
5    PROSCRIBED MINIMUM OF FIVE YEARS EXPERIENCE COULD  
6    APPLY TO AN FFA STUDENT, A HOMEOWNER WHO HAS  
7    FERTILIZED LAWNS FOR FIVE YEARS, OR AN ILLITERATE  
8    FARM LABORER. THIS PROVISION WAS APPARENTLY  
9    INTENDED TO ALLOW FAR LESS RESTRICTIVE QUALIFI-  
10   CATIONS THAN THOSE REQUIRED IN (A)(1) FOR A  
11   CERTIFIED AGRONOMIST, SOIL SCIENTIST, OR CROP  
12   ADVISORS.

13                   THE MANAGEMENT OF NONHAZARDOUS ASH  
14   LAND SPREADING OPERATIONS REQUIRES A COMPREHENSIVE  
15   KNOWLEDGE OF SOIL CHARACTERISTICS, THE ABILITY TO  
16   CALCULATE AGRONOMIC RATES, AND EXPERTISE IN  
17   SAMPLING, ANALYSIS, MONITORING, AS WELL AS  
18   RECORDKEEPING AND REPORTING. IN VIEW OF THESE  
19   SKILLS AND THE POTENTIAL RISK FACTORS THAT WE WISH  
20   TO DISCUSS, OUR DEPARTMENT CONSIDERS THE NEED FOR  
21   A CERTIFIED AGRICULTURAL PROFESSIONAL REQUISITE IN  
22   ENSURING THAT LAND APPLICATION WILL MEET THE  
23   STATED PURPOSES OF THE ACT WITH REGARD TO  
24   PROTECTING PUBLIC HEALTH, SAFETY, AND THE  
25   ENVIRONMENT.



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1                   IN THIS VIEW THE REQUIREMENT FOR  
A  
2       CERTIFIED AGRICULTURE PROFESSIONAL SETS A  
STANDARD  
3       THAT IS BOTH QUANTITATIVE AND QUALITATIVE.  
4       CONVERSELY, AN INDIVIDUAL WITH FIVE YEARS  
EXPERI-  
5       ENCE LACKS STANDARDIZATION AND TENDS TO RELY ON  
A  
6       LESS SPECIFIC QUANTITATIVE CRITERIA.   EVEN THE  
7       CHANGES THAT WE'VE HEARD TODAY IN THE  
MODIFICATION  
8       OF THE DECEMBER 9TH REGULATIONS STILL LEAVES  
MUCH  
9       TO INTERPRETATION.  
10                   THEN ON THE ISSUE OF AGRONOMIC  
RATE,  
11       THE REGULATIONS STIPULATE THAT AGRONOMIC RATES  
ARE  
12       TO BE DETERMINED THROUGH THE ANALYSIS OF HEAVY  
13       METALS.   IN RETROSPECT TO CAROLYN BAKER'S  
COMMENT  
14       ON THIS BEING A CONCESSION, IF LAND SPREADING  
IS  
15       AN EXCLUDED ACTIVITY, THEN WHAT PURPOSE DO

SETTING

16 METAL RATES MEAN WHEN NO ONE IS ACTUALLY GOING  
TO

17 BE GOING OUT THERE AND REVIEWING THOSE,  
ESPECIALLY

18 IN THE FIELD?

19 OUR DEPARTMENT IS PRESENTLY  
20 REVIEWING COMPARATIVE ASH REGULATIONS FROM  
STATES

21 WHICH GENERATE SIGNIFICANT QUANTITIES OF ASH.  
ALL

22 STATES THAT HAVE BEEN SURVEYED HAVE ESTABLISHED  
23 POLICIES AND REGULATIONS DEALING WITH THE  
24 REGULATION OF NONHAZARDOUS ASH, BOTH AS A WASTE  
25 AND IN THE CONTEXT OF BENEFICIAL USE. FOR

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1       EXAMPLE, THE THREE STATES THAT I HAVE RECEIVED  
2       REGULATIONS ON, STATE OF PENNSYLVANIA GENERATES  
3       OVER SEVEN MILLION TONS OF ASH A YEAR. THE STATE  
4       OF OHIO AND NEW YORK ALL DEVELOP BENEFICIAL USE  
5       CRITERIA, BUT IT DOES NOT RELEASE THE STATE EPA  
6       FROM OVERSIGHT OF THOSE OPERATIONS IN THE VALUE OF  
7       REPORTING. THEY MAY NOT REQUIRE A PERMIT, BUT  
8       THEY STILL NEED TO REPORT, AND THE TYPES OF USES  
9       HAVE TO GO THROUGH A REGULATORY REVIEW PROCESS.

10                       SO ALL STATES SURVEYED HAVE  
11       ESTABLISHED POLICIES AND REGULATIONS. IN THERE  
12       COMPARISON SEEMS TO BE A SIGNIFICANT DIVERGENCE  
13       FROM THE CALIFORNIA REGULATIONS ON THE ISSUE OF  
14       WASTE CHARACTERIZATION. SOME STATES SUCH AS OHIO  
15       REQUIRE THE ANALYSIS OF DIOXIN, PHENOLS, AND  
16       CYANIDE IN ADDITION TO HEAVY METALS. THIS BEING  
17       BASED ON END USE AND THE TYPE AND ORIGIN OF THE  
18       ASH.

19                       AND IN THE RECENT MEETING THAT WAS  
20       HELD, THE CONSENSUS MEETING, IF WE WANT TO CALL IT  
21       THAT, WITH THE INDUSTRY REPRESENTATIVES AND CWMB  
22       STAFF, IT WAS CONFIRMED THAT DIOXIN CONTAMINATION  
23       MAY OCCUR IN BIOMASS GENERATED ASH. CONSIDERING  
24       THIS, WE BELIEVE THAT THE ISSUE OF DETERMINING AN  
25       AGRONOMIC RATE MAY REQUIRE THE INCLUSION OF OTHER



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1       CONSTITUENTS AS INDICATED BY THE VARIOUS STATE  
2       ENVIRONMENTAL PROTECTION AGENCIES.

3                       THIS NEED IS FURTHER MAGNIFIED IN  
4       VIEW OF PUBLIC PERCEPTION CONCERNING CARCINOGENIC  
5       WASTES AND DETERMINING RELATIVE HEALTH RISK  
6       ASSOCIATED WITH LAND SPREADING ACTIVITIES. AND I  
7       WOULD ADD TO THIS THAT AS YOU PREPARE TO HEAR THE  
8       BIOSOLIDS LAND SPREADING ISSUE, THE CONCERN, THESE  
9       TYPES OF CONCERNS ARE GOING TO BE THE TYPES OF  
10      PUBLIC COMMENT THAT YOU ARE GOING TO HEAR  
11      REGARDING CARCINOGENS. AND THIS IS BEING HEARD  
12      NOW IN L.A. COUNTY. THERE HAVE BEEN SOME VERY  
13      LIVELY MEETINGS BEFORE THE BOARD OF SUPERVISORS IN  
14      L.A. COUNTY REGARDING BIOSOLIDS.

15                      OUR DEPARTMENT HAS BEEN ADVISED THAT  
16      A COMPARATIVE SURVEY OF EXISTING REGULATIONS HAS  
17      NOT OCCURRED WITH THOSE NOW PROPOSED IN  
18      CALIFORNIA. THIS CONCERN WAS VOICED BY KERN  
19      COUNTY AT THE SEPTEMBER '96 PERMITTING AND  
20      ENFORCEMENT MEETING AND APPARENTLY WENT UNHEEDED  
21      BY CWMB. OTHER ISSUES, SUCH AS ELEVATED CHLORIDE  
22      LEVELS IN CERTAIN SOURCES OF ASH ALSO NEED  
23      EVALUATION. TOWARD THIS END, WE BELIEVE COMMENTS  
24      ARE NECESSARY FROM THE CENTRAL VALLEY REGIONAL  
25      WATER QUALITY CONTROL BOARD PRIOR TO ADOPTING





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1 REGULATIONS CONCERNING AGRONOMIC RATES.

2 THE CALIFORNIA INTEGRATED WASTE  
3 MANAGEMENT BOARD HAS OFTEN ASSERTED ITS  
4 PREEMINENCE AND CAPACITY AS A TECHNICAL ADVISOR TO  
5 LOCAL ENFORCEMENT AGENCIES THROUGHOUT THE STATE.  
6 WE, THEREFORE, REQUEST THAT THE BOARD DEFER THE  
7 ISSUE OF NONHAZARDOUS ASH CHARACTERIZATION TO  
8 STAFF AND PUBLISH FINDINGS IN MATRIX FORMAT PRIOR  
9 TO ENACTING REGULATIONS. SUCH INFORMATION WILL  
10 ASSIST LEA'S AND THE INTERESTED PUBLIC ON THE  
11 ISSUE OF RISK ASSESSMENT. OTHERWISE, THERE IS NO  
12 SCIENTIFIC BASIS FOR THE REGULATIONS AS THEY  
13 STAND. WE SHOULD AT LEAST PROVIDE A MATRIX ON HOW  
14 ASH IS REGULATED IN THE STATE AND COMPARE THOSE TO  
15 STATES WITH SIMILAR POPULATION DENSITIES.

16 THE REGULATIONS INDICATE THAT  
17 STOCKPILING ASH FOR COMBINED PERIOD OF TIME LESS  
18 THAN OR EQUAL TO SIX MONTHS WOULD NOT CONSTITUTE  
19 DISPOSAL. WE REQUEST YOUR CONSIDERATION THAT ASH  
20 NOT BE STOCKPILED UNCOVERED FOR PERIODS LONGER  
21 THAN 24 HOURS AT A LAND APPLICATION SITE. THIS  
22 REQUIREMENT IS CONSISTENT WITH THE REGULATIONS  
23 FROM OTHER STATES SUCH AS PENNSYLVANIA. THERE  
24 ARE  
SEVERAL COMPELLING REASONS FOR THIS

REQUIREMENT.  
25

IT SHOULD BE NOTED THAT THE

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1       CONSISTENCY OF NONHAZARDOUS ASH IS OFT TIMES A  
2       FINELY DIVIDED POWDER WITH GREAT POTENTIAL FOR  
3       DRIFT. SLATE ASH, WHICH IS SUITABLE FOR LAND  
4       SPREADING, IS HIGHLY REACTIVE AND IS OFTEN FOUND  
5       IN A PH RANGE THAT APPROACHES OR EXCEEDS 12.5.  
6       AND THESE ARE BASED ON INDUSTRY AND LOCAL  
7       ENFORCEMENT AGENCY TESTS THAT HAVE BEEN DONE IN  
8       KERN COUNTY.

9                       THIS LEVEL IS REGARDED BY THE  
10       DEPARTMENT OF TOXIC SUBSTANCES CONTROL AS A  
11       THRESHOLD FOR HAZARDOUS WASTE. SUCH WASTES ARE  
12       HIGHLY CORROSIVE. THEY PRESENT DOCUMENTED  
13       INHALATION AND EYE HAZARD AS AN IRRITANT DUST.  
14       AND THESE CHARACTERISTICS ARE CONFIRMED BY THE  
15       MATERIAL DATA SAFETY SHEETS THAT ARE PROVIDED BY  
16       THE ASH GENERATORS. CONSEQUENTLY, CONTACT WITH  
17       NONHAZARDOUS ASH MAY BE VIEWED AS AN ACUTE HAZARD  
18       TO SKIN, EYES, AND LUNGS.

19                      WE BELIEVE THAT THE SIX-MONTH  
20       STOCKPILE LIMIT NEITHER ADDRESSES THE CONCERNS  
21       WITH VOLUME FOR THE DURATION OF THE STOCKPILE.  
22       UNDER THE EXISTING REGULATIONS, STOCKPILES OF LAND  
23       APPLICATION SITES COULD EXIST CONTINUOUSLY  
24       PROVIDED THAT INCOMING LOADS BROUGHT TO THE  
25       STORAGE AREA DID NOT EXCEED A SIX-MONTH STORAGE



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1        PERIOD.    SUCH OPERATIONS WHICH RELY ON LONG-TERM  
2        STORAGE BLURRED, THEN, THE DISTINCTIONS BETWEEN  
3        LAND SPREADING AND TRANSFER PROCESSING.

4                        THE PROBLEM OF CONTINUOUS AND  
5        EXCESSIVE STOCKPILING HAS BEEN DOCUMENTED

IN OTHER

6        OPERATIONS SUCH AS VERMICOMPOSTING AND  
7        CONTAMINATED SOIL PROCESSING, WHICH ARE

PRESENTLY

8        EXCLUDED FROM PERMIT.    SUBSTANDARD  
OPERATIONS

9        INVOLVING THE STOCKPILE OF WASTE FEEDSTOCKS  
HAVE

10       BEEN SHOWN TO CONTRIBUTE TO NUISANCE  
CONDITIONS

11       AND MAY PRESENT ADDITIONAL HAZARDS TO  
PUBLIC

12       HEALTH AND SAFETY.    AND THEY ALSO CREATE  
13       SIGNIFICANT FINANCIAL BURDEN TO

INDIVIDUALS, TO

14       LOCAL GOVERNMENTS, AND TO THE STATE IN THE  
FORM OF

15       NONREIMBURSED ENFORCEMENT COSTS, CLEANUP  
PROGRAMS,

16       AND THE DECLINE IN REAL ESTATE VALUES.

17                   AND I SHOULD ADD TO THIS THAT  
18       WHEN -- IN THE CASE OF NONHAZARDOUS ASH,  
WHEN IT  
19       CEASES TO BECOME A PRODUCT OR A COMMODITY,  
AND  
20       THAT, I THINK, IS A SEMANTIC TERM BECAUSE  
IF IT  
21       HAS NO VALUE, THEN A STOCKPILE OF IT, IF  
THE  
22       GENERATOR MOVES ON, THEN BECOMES DESIGNATED  
WASTE.  
23       IT IS NOT SOMETHING THAT IS DISPOSED OF  
24       NECESSARILY IN A CLASS III LANDFILL.  
25                   TO OUR KNOWLEDGE, THE BOARD  
HAS NOT

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1 RECEIVED WRITTEN OR VERBAL COMMENT ON THESE  
2 REGULATIONS FROM THE SAN JOAQUIN VALLEY AIR  
3 POLLUTION CONTROL DISTRICT. WE BELIEVE THAT THE  
4 REGULATION OF ASH STOCKPILES SHOULD REFLECT THOSE  
5 CONCERNS HELD COMMON BY ALL AIR BOARDS AND  
6 DISTRICTS THROUGHOUT THE STATE. WE, THEREFORE,  
7 REQUEST THAT THE CALIFORNIA INTEGRATED WASTE  
8 MANAGEMENT BOARD CAUSE THE INDUSTRY, AIR POLLUTION  
9 CONTROL AGENCIES, AND LOCAL ENFORCEMENT AGENCIES  
10 TO RECONVENE ON THESE ISSUES IN CONSIDERATION OF  
11 ITS CHARGE TO PROMULGATE REGULATIONS THAT WILL  
12 ASSURE ADEQUATE PROTECTION OF PUBLIC HEALTH,  
13 SAFETY, AND THE ENVIRONMENT.

14 WE ALSO RECOMMEND THAT INCLUSION OF  
15 ADDITIONAL BENEFICIAL USES OF NONHAZARDOUS ASH,  
16 SUCH AS, AND THESE SHOULD BE -- WE RECOMMEND THAT  
17 THEY ACTUALLY BE WRITTEN IN THE REGULATIONS --  
18 FLOWABLE FILL, GROUT, CONCRETE BLOCK, BRICKS,  
19 ASPHALT, ROOFING MATERIALS, PLASTICS, PAINT,  
20 FIBERGLASS, ORNAMENTAL CERAMICS, AND PIPE  
BEDDING  
21 MATERIAL.

22 WE REQUEST THAT THIS SECTION BE  
23 MODIFIED ALSO TO INCLUDE SPECIFIC PROHIBITIONS  
FOR

24 THE PURPOSE OF CLARIFICATION. PROHIBITED USES  
25 SHOULD INCLUDE VALLEY FILLS, WHICH IS THE  
FILLING



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1 OF LOW AREAS OF LAND FOR PURPOSES SUCH AS FLOOD  
2 CONTROL, UNPLANNED BUT FUTURE DEVELOPMENT, OR  
3 AESTHETIC REASONS. SUCH -- BY THE WAY, THIS IS  
4 ALSO CONSISTENT WITH THE REGULATIONS OF THE OHIO  
5 EPA, WHICH IS CONSIDERED ON THE EAST COAST. WHEN  
6 YOU LOOK AT THE NORTHEAST AND ASK THEM ABOUT OHIO,  
7 THEY ALWAYS LOOK AT OHIO AS THE MOST LIBERAL OF  
8 STATES WITH REGARD TO ASH USE.

9 SUCH OPERATIONS, WHEN PERFORMED ON  
10 AGRICULTURAL LANDS, ARE NOT UNIFORMLY CONTROLLED  
11 THROUGH GRADING PERMITS, BY BUILDING OR PLANNING  
12 DEPARTMENTS, AND ARE GENERALLY DISCOVERED AFTER  
13 FILLING OPERATIONS HAVE BEEN PERFORMED. OUR  
14 DEPARTMENT HAS PREVIOUSLY PROVIDED EXTENSIVE  
15 TESTIMONY REGARDING VALLEY FILLS, SUBSTANDARD ROAD  
16 BUILDING, RUNWAYS, LAND SPREADING IN KERN COUNTY,  
17 AND A DETAILED EVALUATION OR TOUR OF THESE SITES  
18 CAN BE PROVIDED ON REQUEST.

19 WE REQUEST THAT THE CALIFORNIA  
20 INTEGRATED WASTE MANAGEMENT BOARD DEVELOP AND  
21 ADOPT A MANUAL OF GOOD PRACTICE TO SET UP  
22 PRACTICAL STANDARDS FOR BENEFICIAL USES OF FLY ASH  
23 WHICH ARE EXCLUDED FROM PERMIT. THIS MANUAL  
24 SHOULD BE PROMULGATED WITH THE ASSISTANCE OF  
25 INDUSTRY TO ASSURE CLARITY AND ACCURACY. IT



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1 SHOULD BE NOTED THAT AT PRESENT ON THE BIOSOLIDS  
2 ISSUE, THE GENERATORS OF BIOSOLIDS HAVE DONE THAT  
3 VERY THING. THE CALIFORNIA WATER ENVIRONMENTAL  
4 ASSOCIATION IS PROMULGATING A MANUAL OF GOOD  
5 PRACTICE FOR BIOSOLIDS LAND SPREAD.

6 THE PERMIT EXCLUSION OF CERTAIN  
7 MANUFACTURING OPERATIONS PRESENTS CONCERN. THAT  
8 WOULD BE IN SECTION 17376(N), PAGE 3, LINES 37  
AND

9 38. ESSENTIALLY THE SAME PROBLEMS EVIDENT IN  
MOST  
10 CONTAMINATED SOIL FACILITIES ARE TO BE EXPECTED  
11 WITH ASH. THESE INCLUDE EXCESSIVE STOCKPILING  
OF  
12 FEEDSTOCK, THE EVER WIDENING ACCEPTANCE OF  
NONSOIL  
13 WASTESTREAMS, AND THE LACK OF SIGNIFICANT  
TURNOVER  
14 OF RECYCLED MATERIALS. MOST IMPORTANTLY, THESE  
15 FACILITIES BEING EXCLUDED FROM PERMIT ALSO LACK  
16 CLOSURE REQUIREMENTS OR BONDING OR PROOF OF  
17 FINANCIAL ASSUREDNESS.

18 WHEN THE OPERATOR MOVES ON AND  
THE  
19 OPERATIONS FAIL, LARGE STOCKPILES OF UNUSED

20        FEEDSTOCK THEN REVERT TO WASTE.    AND I'VE  
ALREADY  
21        MENTIONED THE COST OF CLEANUP IS EXCESSIVE.  
AND  
22        THIS SCENARIO CAN BE EXPECTED WHEREVER  
FEEDSTOCK,  
23        WHETHER IT BE GREEN WASTE, CONTAMINATED SOIL,  
ANY  
24        OF THOSE TYPES OF MATERIALS, INERT RUBBLE WOULD  
BE  
25        ANOTHER GOOD ONE, CONCRETE RUBBLE, OR SOME  
GRADES

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1        OF ASH ARE STOCKPILED; THAT IS, THINGS WITH NO  
2        INTRINSIC VALUE OR LITTLE INTRINSIC VALUE.

3                        WE REQUEST THAT THE CALIFORNIA  
4        INTEGRATED WASTE MANAGEMENT BOARD DEVELOP MORE  
5        SPECIFIC CRITERIA FOR MANUFACTURING OPERATIONS,  
6        INCLUDING BUT NOT LIMITED TO THE SUBMITTAL OF A  
7        PLAN OF OPERATION. THE INTENT OF THIS REQUIREMENT  
8        IS TO IDENTIFY PROPOSED THROUGHPUT RATES AND THE  
9        VOLUME OF STOCKPILES. THE PLAN SHOULD ALSO  
10       ADDRESS THE REMOVAL OF UNUSED FEEDSTOCK OR PRODUCT  
11       AT THE CESSATION OF OPERATIONS.

12                      WE FURTHER RECOMMEND THAT THE BOARD  
13        ADOPT LANGUAGE FOR THIS CATEGORY OF PERMIT  
14        EXCLUSION TO REQUIRE THOSE MANUFACTURERS WHO  
15        UTILIZE ASH AS A PRIMARY FEEDSTOCK TO SELF-CERTIFY  
16        ANNUALLY WITH THE BOARD OR WITH WHOEVER THE BOARD  
17        CHOOSES THAT THEIR OPERATION CONTINUES TO MEET THE  
18        CRITERIA FOR EXCLUSION. THIS NOTARIZED DOCUMENT  
19        MAY INCLUDE A WORKSHEET INDICATING THE VOLUME OF  
20        MATERIAL RECEIVED, PROCESSED, AND MARKETING OFF  
21        SITE. FROM SUCH A DECLARATION, THE ENFORCEMENT  
22        AGENCY COULD CONFIRM WHETHER THE SAID OPERATIONS  
23        REPRESENT MANUFACTURER OR MORE ACCURATELY REFLECT  
24        A STOCKPILE.

25                      WE ALSO BELIEVE IN REFERENCE TO



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1 17376(O) ON PAGE 3, 39 THROUGH 40 LINES, ON PAGE  
2 4, LINES 1 THROUGH 2, THAT THE DEFINITION OF  
3 NONHAZARDOUS ASH NEEDS TO BE MORE SPECIFIC FOR THE  
4 PURPOSES OF CLARIFICATION AND DISCLOSURE. THIS  
5 REGULATION APPEARS TO INCLUDE ANY NONHAZARDOUS  
6 RESIDUE THAT HAS BEEN SUBJECTED TO OR ASSOCIATED  
7 WITH COMBUSTION. CONSEQUENTLY THE REGULATIONS MAY  
8 BE INTERPRETED TO BE INCLUSIVE OF FLUE GAS,  
9 DESULFURIZATION WASTES, SPENT FOUNDRY SAND, AIR  
10 POLLUTION CONTROL DUSTS, AND A VARIETY OF OTHER  
11 NONASH RESIDUES. AND I THINK IT'S COMMON  
12 KNOWLEDGE, IT'S BEEN STATED BY INDUSTRY AND DR.  
13 MEYER, THAT ASH IS NOT A CONSISTENT PRODUCT.  
14 THERE ARE -- AND I'M SURE -- I CAN FEEL THE  
15 TENSION BEHIND ME AS I SAY THESE THINGS FROM  
16 INDUSTRY BECAUSE MANY OF THE PEOPLE THAT HAVE  
17 PRECEDED ME HAVE GOOD OPERATIONS THAT HAVE NOT  
18 BEEN -- CREATED PROBLEMS, AND THEY REPRESENT THE  
19 LARGE QUANTITY GENERATORS.

20 IT IS ALSO THE SMALL QUANTITY  
21 GENERATORS THAT WE HAVE TO BE CONSIDERING IN THESE  
22 REGULATIONS AND WHAT HAPPENS WHEN SOMEONE HAS  
23 MATERIAL THAT THEY WANT TO GET RID OF AND THEY  
24 WANT TO BROKER IT OUT. AGAIN, THE DISTINCTION IN  
25 CHARACTERIZATION OF VARIOUS ASH AND NONASH





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1 WASTESTREAMS NEED TO BE CLARIFIED IN THE  
2 REGULATIONS.

3 THIS ISSUE IS PARTICULARLY IMPORTANT  
4 TO MONOFILLS, RECLAMATION PROJECTS, AND TRANSFER  
5 STATION OPERATIONS. WHEN YOU COMBINE DIVERSE  
6 WASTESTREAMS, WHICH ARE DEFINED GENERICALLY, THIS  
7 CAN PRESENT PROPERTIES OR CHARACTERISTICS THAT ARE  
8 NOT COMPATIBLE OR FORM OTHERWISE REACTIVE  
9 COMBINATIONS. A VIVID HYPOTHETICAL EXAMPLE WOULD  
10 BE THE COMMINGLING OF CARBON, SULFUR BLOWDOWN, AND  
11 POTASSIUM NITRATE OR POTASH RESIDUES. THESE  
12 WASTESTREAMS MIGHT BE RECOGNIZED AS BEING  
13 NONHAZARDOUS SINGULARLY; BUT WHEN MIXED TOGETHER,  
14 THEY FORM GUN POWDER.

15 THE REGULATIONS NEED TO  
16 DIFFERENTIATE, AND THIS WOULD BE REGARDING (V),  
17 17376, BETWEEN ACTIVE AND INACTIVE MINING  
18 OPERATIONS FOR THE PURPOSE OF RECLAMATION. THIS  
19 STATUS IS NEEDED TO ASSIST IN A DETERMINATION THAT  
20 RECLAMATION IS EITHER CONDUCTED ON AN ONGOING  
21 BASIS OR IS TEMPORARY IN NATURE.

22 THEN ON TO 17377.1, PAGE 5, OUR  
23 DEPARTMENT CONCURS WITH THE LANGUAGE IN THIS  
24 SECTION. IN ADDITION, WE RECOMMEND FURTHER PERMIT  
25 EXCLUSION FOR THE FOLLOWING OPERATIONS: AFTER



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1 WASTES HAVE BEEN SCREENED FOR HAZARDOUS  
2 CONSTITUENTS. THIS WOULD INCLUDE THE USE OF  
3 FLOWABLE FILL OR PIPE BEDDING MATERIAL IN UTILITY  
4 TRENCHES, EXCEPTING POTABLE WATERLINES, THE USE OF  
5 NONHAZARDOUS ASH IN ROAD BUILDING OR PARKING LOTS  
6 IF APPROVED BY A PROFESSIONAL ENGINEER, THE USE OF  
7 NONHAZARDOUS ASH BLENDED WITH SOIL AS DAILY COVER  
8 MATERIAL AT PERMITTED LANDFILLS, THE ENGINEERED  
9 USE OF NONHAZARDOUS ASH AS A BUILDING OR  
10 EQUIPMENT -- AS A BUILDING MATERIAL FOR EQUIPMENT  
11 SUPPORTED BASES OR FOUNDATIONS. MANUFACTURING, WE  
12 WOULD ALSO CONSIDER UNDER AN EXCLUSION IF ANOTHER  
13 PRODUCT WAS USED IN NONLAND APPLICATIONS. THAT  
14 WOULD BE LIKE THE MANUFACTURE OF PIPES OR CEMENT  
15 BLOCKS OR THOSE KINDS OF THINGS. ALSO, WE  
16 RECOMMEND FOR EXCLUSION THE USE OF ASH IN THE  
17 COMPOSTING PROCESS, EXCLUDING POSTCOMPOSTING  
18 ADDITIVES FOR LAND APPLICATION.

19 MEMBER RELIS: MR. O'RULLIAN, I JUST  
20 WANTED TO ASK. I ASSUME YOU HAVE YOUR COMMENTS IN  
21 WRITING.

22 MR. O'RULLIAN: I DO AND I'VE SUBMITTED  
23 THEM.

24 MEMBER RELIS: IT'S A LONG LIST.

25 MR. O'RULLIAN: YES. I'M ALMOST DONE. I



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1        REALLY DO APPRECIATE YOUR FORBEARANCE WITH THE  
2        LENGTH OF THIS.  BUT AGAIN, WE FEEL THAT THIS IS A  
3        COMPLEX ISSUE.  AND SOME OF THE THINGS THAT I'M  
4        MENTIONING IN THE EXCLUSION TIER ARE THINGS THAT  
5        ARE COMMONLY EXCLUDED BY OTHER EPA'S.

6                        BENEFICIAL USES FOR COMMERCIAL  
7        PROJECTS AT SINGLE PROJECT LOCATIONS AND UTILIZING  
8        VOLUMES LESS THAN 200 TONS, SUCH AS FOUNDATION  
9        BACKFILL OR STRUCTURAL FILL.

10                      WE ALSO HAVE OTHER CONCERNS THAT ARE  
11        NOT ADDRESSED IN THE REGULATIONS, AND THOSE WOULD  
12        BE WE FEEL THAT THE REGULATIONS SHOULD INCLUDE  
13        REQUIREMENTS FOR THE TRANSPORT OF NONHAZARDOUS  
14        ASH.  AS EARLIER STATED, SOME NONHAZARDOUS ASH  
15        EXISTS IN A -- AS A FINELY DIVIDED POWDER,  
16        EXHIBITING BOTH REACTIVE AND CORROSIVE PROPERTIES  
17        THAT REQUIRE CONTAINMENT AND SPECIAL HANDLING.  WE  
18        REQUEST THAT COMMENT ON THE ISSUE OF TRANSPORT BE  
19        SUBJECTED TO REGULATORY PEER REVIEW AT THE NEXT  
20        SCHEDULED LEA ROUND TABLE.

21                      AS ALWAYS, WE DO APPRECIATE THE  
22        OPPORTUNITY FOR REVIEW AND COMMENT ON THESE  
23        REGULATIONS.  WE FEEL THAT THE 15-DAY COMMENT  
24        PERIOD IS NOT SUFFICIENT FOR ADEQUATE REVIEW,  
25        ESPECIALLY IN VIEW OF THE THINGS THAT WE'VE RAISED



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1       ON COMPARISONS AND SCIENTIFIC BASIS FOR THE  
2       AGRONOMIC RATES, THE INCLUSION OF OTHER  
3       CONSTITUENTS IF NEED BE. WE QUESTION WHY THE  
4       INDUSTRY'S ATTORNEY WISHES TO RUSH THIS THROUGH IN  
5       VIEW OF THIS SINCE MOST OF THESE OPERATIONS  
6       PRESENTLY ARE NOT REGULATED TO BEGIN WITH.

7                   THERE ARE NO PERMITS ON FLY ASH  
8       OPERATIONS THAT ARE ISSUED BY LEA'S IN SHASTA  
9       COUNTY, NOR ARE THERE IN KERN COUNTY AT THIS  
TIME.

10       WE DO NOT BELIEVE THE EXCLUSION TIER IS  
11       SUFFICIENT. I THINK MY COMMENTS HAVE BEAT THAT  
TO

12       DEATH. WE FEEL THAT LEA, AT LEAST BY MINIMUM,  
13       THAT THERE BE A FORM OF NOTIFICATION TO THE  
LEA'S,

14       EXCLUSION NOTIFICATION. AND THIS AT THE  
15       COMPROMISE MEETING OF DECEMBER 3D WAS REPEATEDLY  
16       BROUGHT UP AND TURNED DOWN BY INDUSTRY. THEY --  
17       THOSE THAT WERE REPRESENTED, AND MANY OF THEM  
HAVE

18       SPOKEN TODAY TO YOU, COMPLETELY WANTED A HAND-OFF  
19       APPROACH IN TERMS OF REPORTING OR EVEN DEVELOPING  
20       A MANUAL OF GOOD PRACTICE, WHICH WE THINK IS  
21       COMMON SENSE.

22 WE FEEL THAT THE DRIFT COMPLAINTS  
23 THAT WE COULD INCUR BY UNCOVERED FLY ASH BEING  
24 STOCKPILED FOR SIX MONTHS OR NOW, ACCORDING TO  
THE  
25 DECEMBER 9TH REGULATIONS, FOR UP TO A YEAR,



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1 CONTINUOUSLY STOCKPILED, THAT THOSE PRESENT REAL  
2 ISSUES THAT THE WATER BOARDS ARE NOT GOING TO BE  
3 ADDRESSING. IT WILL BE THE AIR POLLUTION CONTROL  
4 DISTRICTS THAT WILL STEP FORWARD AND QUESTION  
5 WHETHER OR NOT THESE REGULATIONS THAT ARE BEING  
6 DRAFTED ACTUALLY ARE IN CONFLICT WITH PM-10  
7 REGULATIONS.

8 SO THAT IS WHAT I HAVE TO SAY TODAY.  
9 ARE THERE ANY QUESTIONS THAT YOU MIGHT HAVE  
10 REGARDING MY COMMENTS?

11 CHAIRMAN FRAZEE: QUESTIONS? APPARENTLY  
12 NOT.

13 MR. O'RULLIAN: THANK YOU VERY MUCH.

14 CHAIRMAN FRAZEE: THANK YOU.

15 MEMBER RELIS: MR. CHAIR, I'M JUST GOING  
16 TO ASK STAFF TO RESPOND IN TERMS OF JUST THE OTHER  
17 REGULATORY AGENCIES THAT HAVE BEEN NOTED BY MR.  
18 O'RULLIAN IN TERMS OF THEIR POSSIBLE CONCERNS.  
19 OBVIOUSLY WE HAVE CIRCULATED -- OUR REGULATIONS  
20 ARE IN CIRCULATION?

21 MS. REYNOLDS: YES.

22 MEMBER RELIS: AIR BOARD, WATER BOARD  
23 WOULD -- HAS THESE?

24 MS. REYNOLDS: YES, THEY HAVE BEEN  
25 CIRCULATED THROUGH THE COMMENT PERIOD.



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1                   CHAIRMAN FRAZEE:   THEN I BELIEVE,  
2       FINALLY, UNLESS THERE'S SOMEONE ELSE OUT THERE, WE  
3       HAVE ED PADILLA ALSO.

4                   MR. PADILLA:   THANK YOU, MR. CHAIRMAN.  
5       ED PADILLA FROM SAN JOAQUIN COUNTY.   I HAVE SOME  
6       CONCERNS ON THE REGULATIONS.   THE STOCKPILING OF  
7       NONHAZARDOUS ASH, WE DO BELIEVE, SHOULD BE 24  
8       HOURS UNLESS IT IS COVERED, AND THEN IT SHOULDN'T  
9       BE LONGER THAN SIX MONTHS.   WE DO BELIEVE THIS IS  
10      PLENTY OF TIME TO REMOVE AND UTILIZE THE ASH.   WE  
11      BELIEVE THAT ONE YEAR IS EXCESSIVE AND IS JUST  
12      ENCOURAGING POOR PLANNING ON THE PART OF THE  
13      APPLICATOR.   THE RISK OF PUBLIC HEALTH AND SAFETY  
14      IS MUCH GREATER THE LONGER YOU STOCKPILE IT.

15                   UNDER EXCLUDED OPERATIONS, WE FEEL  
16      THAT IT IS INAPPROPRIATE FOR LAND APPLICATION TO  
17      BE PUT IN THE EXCLUDED TIER.   WE FEEL THAT LAND  
18      APPLICATIONS AT A MINIMUM SHOULD BE PUT IN THE  
19      NOTIFICATION TIER OR THE REGISTRATION TIER.

THE

20      HEALTH OFFICER FEELS IT'S IMPORTANT THAT UNDER

THE

21      DIRECTOR OF ENVIRONMENTAL HEALTH TO KNOW WHERE

THE

22      ASH SITES ARE IN CASE THERE ARE HEALTH PROBLEMS

OR

23 COMPLAINTS.

24 AS YOU NOTED, THERE HAS BEEN SOME

25 PROBLEMS WITH SOME OTHER WASTESTREAMS IN THE

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1 EXCLUDED TIER, PARTICULARLY THE EXAMPLE IN  
2 COMPOSTING OF CHIPPING AND GRINDING. AND WE DO  
3 BELIEVE THAT THERE'S NOT ENOUGH KNOWN ABOUT THE  
4 HEALTH EFFECTS ON ASH-TO-LAND APPLICATION. ON  
5 HUMAN CROPS, THE HEALTH EFFECTS OF ASH TO LAND ON  
6 HUMAN CROPS IS NOT ENOUGH KNOWN TO PUT IT IN THE  
7 EXCLUDED TIER.

8 THE QUESTION IS WHERE ARE THE  
HEALTH

9 STUDIES TO SHOW THAT THERE ARE NO HEALTH PROBLEMS  
10 WHEN YOU PUT ASH TO LAND ON HUMAN CROPS. I THINK  
11 AT THE LAST COMMITTEE MEETING I ASKED INDUSTRY TO  
12 PRODUCE SCIENTIFIC TEST STUDIES ON ASH-TO-LAND  
13 APPLICATION. AT THIS POINT I STILL HAVE NOT SEEN  
14 ANY. I WASN'T AT THE LAST CORE WORK GROUP  
15 MEETING, BUT I HEARD THAT THERE WAS NO STUDIES  
16 AVAILABLE AT THAT MEETING EITHER. SEVERAL OF  
THEM

17 CAME UP TO THE MEETING, OUR LAST MEETING ON IT,  
18 AND SAID THAT THERE WERE STUDIES.

19 WE FEEL THAT IF THERE ARE FEW  
20 STUDIES IN THIS AREA, THEN THESE REGULATIONS  
21 SHOULD BE WRITTEN CONSERVATIVELY. THESE  
22 REGULATIONS, I BELIEVE, ARE TOO LIBERAL FOR THE  
23 AMOUNT OF KNOWLEDGE THAT'S OUT THERE. WE DO

24 WELCOME THE AGRICULTURAL INDUSTRY. AND HEARD  
THAT  
25 THE FARM BUREAU HAS SENT A LETTER. WE WELCOME

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1        THEIR INPUT.  AND ALSO FOR THE DEPARTMENT OF FOOD  
2        AND DRUG.  AND WE DO NOT FEEL IT IS IRRESPONSIBLE  
3        FOR THEM TO COME FORWARD AT THIS TIME.  IN FACT,  
4        WE FEEL THAT THEY SHOULD HAVE BEEN INVOLVED AT A  
5        MUCH EARLIER TIME, AND WE'RE GLAD TO SEE THEIR  
6        INPUT.

7                    IN THE FEEDSTOCK, ASH FEEDSTOCK IS  
8        VERY DIVERSE, COAL BIOMASS, MEDICAL WASTE.  YOU  
9        HEARD ALL THE DIFFERENT TYPES.  AND WE BELIEVE  
10       THAT THE WASTE BOARD, AGAIN, IS TRYING TO LOOK AT  
11       THINGS IN THE OLD WAY.  WE HAVE -- THE TIER  
12       PERMITTING WAS TO GET AWAY FROM THE ONE SIZE  
13       PERMIT FITS ALL, BUT I THINK WHAT WE HAVE  
HERE IS

14       ONE SIZE EXCLUSION TIER FITS ALL.  I THINK  
THERE'S

15       BEEN A LACK OF NEW WAYS OF LOOKING AT THE  
16       REGULATIONS.  NEW IDEAS NEED TO BE EXPLORED,  
SUCH

17       AS FEEDSTOCKS.  EACH FEEDSTOCK HAS ITS OWN  
18       PARTICULAR ASH PROPERTIES.  AND WE BELIEVE  
THAT IT

19       SHOULD BE LOOKED AT OUT IN THE APPROPRIATE  
TIER

20       ACCORDING TO THEIR ASH PROPERTIES.

21                   WE KNOW THAT BIOMASS ASH OR  
COAL ASH  
22       IS NOT THE SAME, SO THEY SHOULD BE PUT IN  
TIERS  
23       ACCORDING TO THEIR PROPERTIES. WE DO  
BELIEVE THAT  
24       THE ASH-TO-LAND APPLICATION IN THE DELTA  
AREAS ARE  
25       CONCERNED FOR SAN JOAQUIN COUNTY. WE DO  
BELIEVE



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1       IT SHOULD BE PROHIBITED IN THE DELTA AREA AS  
2       DEFINED IN THE DELTA PROTECTION ACT OF 1992.

3               SOME OF THE CONCERNS WE HAVE, THAT  
4       THERE ARE 71 SPECIAL STATUS SPECIES OF PLANTS,  
5       BIRDS, MAMMALS, REPTILES. THERE ARE 11 RARE AND  
6       ENDANGERED SPECIES IN THE DELTA PROTECTED UNDER  
7       THE FEDERAL ENDANGERED SPECIES ACT. AND THE U.S.  
8       FISH AND WILDLIFE HAS DESIGNATED THE AG LANDS IN  
9       THE DELTA AS FARM WETLANDS. AND WE BELIEVE THAT  
10      CRITERIA IN THESE REGS DO NOT ADDRESS THE POSSIBLE  
11      HARM TO WILDLIFE AND WILDLIFE HABITAT.

12             AND THE CONCENTRATIONS OF HEAVY  
13      METALS OVER LONG PERIODS OF TIME COULD IMPACT  
14      SEASONAL WILDLIFE IN THE DELTA AREA. AND WE DO  
15      BELIEVE WE NEED TO PROTECT THE DELTA WETLANDS,  
16      THAT IT SHOULD BE PROHIBITED IN THAT AREA.  
17      THERE'S THOUSANDS AND THOUSANDS OF OTHER ACRES  
18      THAT COULD BE USED OUTSIDE THE DELTA THAT IS  
19      AVAILABLE.

20             WITHOUT LAND APPLICATION SITES BEING  
21      REGULATED, IF IT'S PUT IN THE EXCLUDED TIER, I  
22      THINK WE ARE CREATING REGULATIONS THAT REALLY DO  
23      NOT REGULATE. WE HAVE -- HOW MANY TRANSFER  
24      STATIONS, ASH TRANSFER STATIONS DO WE HAVE IN THE  
25      STATE? AS FAR AS I HEARD, WE DON'T HAVE ANY. I'M



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1 NOT SURE HOW MANY ASH MONOFILLS WE HAVE. I'M SURE  
2 THERE'S NOT MANY. SO THAT IS A CONCERN.

3 I THINK 15 DAYS TO COMMENT ON THESE  
4 NEW REGS IS TOO SHORT. I THINK THERE'S MANY  
5 RADICAL CHANGES AND QUESTION MARKS TO THESE REGS,  
6 AND I THINK THERE'S A LOT OF CHANGES STILL NEED TO  
7 BE DONE. I THINK 15 DAYS IS TOO SHORT, AND IT  
8 SHOULD WARRANT AT LEAST A 45-DAY COMMENT PERIOD.  
9 THANK YOU. IF YOU HAVE ANY QUESTIONS.

10 CHAIRMAN FRAZEE: THANK YOU. QUESTIONS?  
11 THANK YOU. NOW FINALLY WE HAVE GERARD THOMPSON,  
12 THE AIR PRODUCTS COMPANY.

13 AND BEST OF MY KNOWLEDGE, IN THE  
14 PAPER MESS UP HERE, THIS IS THE END OF ALL THE  
15 COMMENTERS ON THIS. IF THERE'S ANYONE ELSE OUT  
16 THERE THAT I HAVE MISSED, PLEASE LET US KNOW.

17 MR. THOMPSON: MY NAME IS GERRY  
THOMPSON.

18 I'M WITH AIR PRODUCTS, AND WE ARE PART OWNER  
AND  
19 OPERATOR OF THE STOCKTON COGENERATION FACILITY.

20 I JUST WANTED TO MAKE NOTE OR A  
21 LITTLE CLARIFICATION ON THE POINT THAT MR.  
22 O'RULLIAN HAD RAISED REGARDING REGULATIONS IN  
23 OTHER STATES, IN PARTICULAR PENNSYLVANIA. WE

HAVE

24 AN OPERATING COGENERATION FACILITY IN PENNSYL-  
25 VANIA. AND PENNSYLVANIA, LIKE OHIO, AS AN

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1       EXAMPLE, AS YOU'RE, I'M SURE, AWARE, ARE STATES  
2       WHICH HAVE A GREAT DEAL OF COAL MINING.  AND IN  
3       THOSE CASES, IT'S TRUE, JUST AS MR. O'RULLIAN HAS  
4       POINTED OUT, THAT THERE ARE WELL-STRUCTURED  
5       PROGRAMS FOR DEALING WITH ASH.  AND THOSE  
6       GENERALLY DOVETAIL RIGHT INTO THE MINING PROGRAM.  
7       SO THERE'S A CLEAR NEED THERE PRIMARILY BECAUSE  
8       THE ASH IS MOST OFTEN REQUESTED BY THE REGULATORS  
9       TO BE RETURNED TO THE MINE SITE.  SO IT BECOMES  
10      PART OF THE MINING ACTIVITY AND, THEREFORE, COMES  
11      UNDER THE PURVIEW OF THE BUREAU OF MINING AND  
12      RECLAMATION.

13                   LET ME NOTE, THOUGH, THAT IN THE  
14      CASE OF ASH, ESPECIALLY THE ALKALINE ASHES  
15      GENERATED BY THE CFB'S, WE WORK VERY CLOSELY WITH  
16      THE DEPARTMENT OF ENVIRONMENTAL PROTECTION IN  
17      PENNSYLVANIA, AND THEY ARE CONSTANTLY IN REQUEST  
18      OF OUR MATERIAL FOR THE PURPOSES OF RECLAMATION,  
19      MINING RECLAMATION FOR ACID MINE DRAINAGE, AND SO  
20      ON.  SO IT'S IN THAT PARTICULAR INSTANCE WE PUT  
21      VERY LITTLE OF OUR ASH ACTUALLY TO AGRICULTURAL  
22      USE BECAUSE THE DEMAND FOR ITS BENEFICIAL  
23      PROPERTIES IS SO GREAT IN THE MINING INDUSTRY.

24                   ALSO, I WANTED TO JUST MAKE ONE  
25      OTHER NOTE, REITERATING A POINT BROUGHT UP BY MR.



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1        SORENSON, AND THAT IS THAT THE EARLIER DEFINITIONS  
2        THAT WE SPOKE OF WITH CERTIFIED PROFESSIONAL OR  
3        CERTIFIED AGRONOMIST AND SO ON WOULD EXCLUDE  
4        INDIVIDUALS SUCH AS MR. SORENSON AND TRIAD. AND I  
5        THINK IT'S IMPORTANT FOR THE BOARD TO RETAIN THE  
6        OPTION OF INDIVIDUALS, RECOGNIZING THAT EXPERIENCE  
7        GAINED THROUGH THE ACTUAL DEVELOPMENT OF FERTILITY  
8        PROGRAMS AND THE USE OF ASH BE RETAINED IN THE  
9        REGULATION AS IT STANDS NOW.

10                    AND LASTLY, I JUST WANT TO NOTE THAT  
11        AT THE COMPROMISE MEETING, SO TO SPEAK, THAT MR.  
12        O'RULLIAN REFERRED TO, THE WORKSHOP PREPARED BY  
13        THE DEPARTMENT, THAT AT THAT POINT WE HAD -- THE  
14        QUESTION HAD BEEN RAISED AS TO WITH ASH BEING USED  
15        IN THE STATE FOR THE PAST SIX OR AT LEAST IN OUR  
16        CASE SIX YEARS, OTHERS MUCH LONGER, HOW MANY  
17        DOCUMENTED PROBLEMS HAVE THERE ACTUALLY BEEN. AND  
18        TWO SPECIFIC PROBLEMS WERE DISCUSSED AT THE  
19        WORKSHOP, AND I SHOULD NOTE THAT IN BOTH OF THOSE  
20        CASES THE ASH WAS HAZARDOUS WASTE, NOT NON-  
21        HAZARDOUS ASH. THOSE WERE THE ONLY TWO SPECIFIC  
22        DOCUMENTED PROBLEMS THAT COULD BE BROUGHT UP BY  
23        ANY OF THE LEA'S THAT WERE THERE.

24                    THERE WERE, OF COURSE, A GREAT  
25        NUMBER OF APOCALYPTIC EVENTS THAT WERE POSTULATED,





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1 BUT ONLY TWO EVENTS THAT HAD ACTUALLY OCCURRED AND  
2 BEEN REMEDIATED, AND, AGAIN, THOSE WERE BOTH WITH  
3 HAZARDOUS ASH. HAZARDOUS WASTE WOULD HAVE FAILED  
4 THE CALIFORNIA HAZARDOUS WASTE TEST. THAT'S ALL I  
5 HAVE TO SAY. THANK YOU VERY MUCH.

6 CHAIRMAN FRAZEE: NOW I BELIEVE THAT'S  
7 EVERYONE THAT WE HAD ON THE LIST, SO AT THIS TIME  
8 I WILL CLOSE THE PUBLIC HEARING. AND AGAIN, TO  
9 RESTATE, IF ANYONE WISHES TO SUBMIT ADDITIONAL  
10 COMMENTS ON TODAY'S ACTIVITIES, THE COMMENT PERIOD  
11 REMAINS OPEN UNTIL 5 P.M. WE ALSO HAVE A RECOM-  
12 MENDATION, I BELIEVE, TO GO TO A NEW 15-DAY  
13 PERIOD.

14 MEMBER RELIS: MR. CHAIR, COULD WE SPEAK  
15 TO THE 15-DAY PERIOD, DISCUSS THAT FOR A MOMENT?

16 CHAIRMAN FRAZEE: YES, GO AHEAD.

17 MEMBER RELIS: WHAT'S THE NET EFFECT IF  
18 WE WERE TO GO TO 15 DAYS? HOW MUCH TIME -- WHEN  
19 WOULD WE SEE THESE AGAIN? AND WHAT'S THE ACTUAL  
20 PERIOD OF COMMENT? WE'RE IN THE HOLIDAY SEASON.  
21 I JUST WANTED TO GAUGE.

22 MR. BLOCK: THE 15-DAY COMMENT PERIOD  
23 BASICALLY JUST RUNS OFF OF THE ADMINISTRATIVE  
24 PROCEDURE ACT REQUIREMENTS THAT REQUIRE THE FIRST  
25 COMMENT TO BE 45 DAYS AND THEREAFTER IT'S 15-DAY



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1 COMMENT PERIOD. IT'S REALLY AT THE PLEASURE OF  
2 THE COMMITTEE HOW YOU WANT THAT TO PLAY OUT.

3 THERE ISN'T ANYTHING THAT PROHIBITS  
4 YOU FROM MAKING THAT A LONGER COMMENT PERIOD IF  
5 YOU WANT OR DIRECTING STAFF TO HAVE THAT 15-DAY  
6 COMMENT PERIOD OCCUR AT A DIFFERENT TIME; FOR  
7 INSTANCE, BECAUSE OF THE HOLIDAYS. WE HAVE THE  
8 ABILITY AT THIS POINT IN TIME, I BELIEVE, TO PUT  
9 THESE OUT FOR 15-DAY COMMENT FAIRLY QUICKLY AND WE  
10 COULD BE BACK AT THE JANUARY COMMITTEE MEETING;  
11 BUT, AGAIN, THAT WOULD MEAN THAT THIS WOULD BE  
12 GOING ON DURING THE HOLIDAY PERIOD. SO THAT'S A  
13 DECISION FOR THE COMMITTEE TO MAKE, HOW YOU WANT  
14 US TO PLAY THAT OUT. IF WE DON'T GO OUT FOR A  
15 15-DAY COMMENT PERIOD RIGHT AWAY, THAT WOULD THROW  
16 US AT LEAST TO THE FEBRUARY MEETING FOR COMING  
17 BACK.

18 MEMBER PENNINGTON: IS THE 15-DAY COMMENT  
19 PERIOD 15 CALENDAR DAYS?

20 MR. BLOCK: FIFTEEN CALENDAR DAYS,  
21 ALTHOUGH IF THE LAST CALENDAR DAY IS A HOLIDAY OR  
22 A WEEKEND, THEN WE CAN EXTEND IT ONE DAY.

23 MEMBER RELIS: WELL, I NEED TO PROBABLY  
24 RAISE A FEW POINTS. THAT'S WHY I WAS TRYING TO  
25 UNDERSTAND WHAT'S THE NET EFFECT OF THE 15-DAY.



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1 I'M CONCERNED ABOUT THE TIME GIVEN WHAT WE'VE  
2 HEARD TODAY. WE'VE HAD MAJOR INPUT FROM CDFA, THE  
3 FARM BUREAU, WHICH I TAKE VERY SERIOUSLY THE  
4 INTERFACE WITH AGRICULTURE, WHICH IS WHAT I THINK  
5 THIS IS ALL ABOUT IS WHEN AGRICULTURE VOICES A  
6 CONCERN, I THINK WE HAVE A CONCERN WITH THAT  
7 INTERFACE. AND I WANT TO MAKE SURE WE HAVE TIME.

8 I WAS HOPING THAT PERHAPS WE'D HAVE  
9 TIME TO HAVE SOME HIGH LEVEL MEETINGS WITH THE  
10 CDFA, A MEETING OR MORE, TO TRY AND UNPACK WHAT  
11 THEY'VE SUBMITTED IN THEIR LETTER AND SEE HOW  
12 CLOSE -- OR THEY HAVE A COUPLE OF APPROACHES. WE  
13 HAVE MANY ELEMENTS IN OUR CURRENT REGS THAT, I  
14 THINK, TOUCH ON THOSE POINTS. DEPENDING ON HOW  
15 THEY WERE INTERPRETED, WE MIGHT BE ABLE TO  
16 STRUCTURE A CLOSER FIT WITH, BUT I THINK WE'LL  
17 NEED THE TIME TO DO THAT.

18 AND AS I SAID, IT'S HOLIDAY SEASON,  
19 AND IT'S -- THINGS TEND TO SHUT DOWN OVER THE  
20 HOLIDAY SEASON.

21 MANY ISSUES ABOUT THE PROFESSIONAL  
22 LEVEL OF THE AGRONOMIC REVIEW CONTINUES TO BE A  
23 CONCERN OF MINE. I WOULD NOT WANT IT SO OPEN-  
24 ENDED THAT IT QUALIFIED EVERYBODY WHO'S BEEN  
25 AROUND AGRICULTURE TO FIT UNDER THAT DEFINITION



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1 BECAUSE I THINK THEN IT LOSES ITS MEANING, ITS  
2 VALUE REALLY TO -- ESPECIALLY IF WE'RE CONSIDERING  
3 EXCLUSION BECAUSE I THINK THAT IS A MINIMUM, THAT  
4 WE HAVE TO HAVE SOME CREDENTIALS AT SOME LEVEL  
5 PERSON WHOSE EVALUATION MATTERS IN A PROFESSIONAL  
6 SENSE.

7 SO I THINK THERE NEEDS TO BE SOME  
8 FURTHER WORK IN THAT REGARD. I ALSO THINK THAT  
9 MR. O'RULLIAN, WHILE HE HAD A UNIVERSE OF ISSUES,  
10 AND, FRANKLY, UNDER BLENDING, I DON'T KNOW. I'D  
11 LIKE TO AT LEAST SEE WHAT STAFF HAS THOUGHT  
12 THROUGH IN TERMS OF SOME OF THE ASSERTIONS. WHAT  
13 HAPPENS IF YOU USE ASH IN BLENDS? DID WE  
14 ANTICIPATE THAT IN OUR DISCUSSION IN OUR  
15 REGULATION, OR IS THAT A NEW WRINKLE? IS IT  
16 SINGULARLY ASH OR ASH MIXED WITH OTHER MATERIALS?  
17 SHOULD WE HAVE A CONCERN ABOUT THAT?

18 AND THEN THE PILING, THE STOCK-  
19 PILING, IT SEEMS TO ME IF THE CONCERNS WERE RAISED  
20 ABOUT HEALTH AND SAFETY, IF IT'S VERY FINE  
21 PARTICULATE SIZE, LET'S SEE, WHICH AGENCY WOULD  
22 HAVE THE PRIMARY RESPONSIBILITY? WOULD THAT BE  
23 AIR? AND IF SO, WHY HAVEN'T WE HEARD -- IF IT'S  
24 THE CONCERN THAT IT'S BEEN RAISED, WHY HAVEN'T WE  
25 HEARD FROM THEM, THE AIR PEOPLE? SO I JUST FEEL





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1 WE NEED SOME SUFFICIENT TIME TO LOOK AT THESE  
2 POINTS, WHATEVER THAT TIME FRAME IS.

3 CHAIRMAN FRAZEE: OUR OPTIONS LEGALLY ON  
4 AN ADDITIONAL PERIOD, IS IT 15 DAYS, OR DO WE HAVE  
5 OTHER OPTIONS? CAN IT BE MORE THAN 15 DAYS?

6 MS. RICE: YOU CAN SPECIFY MORE TIME IF  
7 THAT IS YOUR WISH AND WHEN YOU WANT IT TO START AS  
8 WELL. IF YOU WOULD LIKE SOME MEETINGS TO OCCUR,  
9 OR WHATEVER YOU WOULD LIKE TO OCCUR, YOU CAN  
10 SPECIFY A DATE WHEN YOU'D LIKE IT TO START AND THE  
11 DURATION OF IT.

12 MEMBER RELIS: WHAT I WOULD HOPE IS WE  
13 COULD HAVE THE MEETING WITH CDFA AND OUR PEOPLE  
14 BEFORE THE HOLIDAYS, IF WE COULD, AND THEN KICK IN  
15 A COMMENT PERIOD RIGHT AROUND THE FIRST OF THE  
16 YEAR, THE 15-DAY, BECAUSE I THINK --

17 MEMBER PENNINGTON: WHAT ABOUT IF WE SET  
18 AN ACTUAL DATE THAT WAS MORE THAN 15 DAYS OFF?

19 MS. RICE: I THINK THE CONCERN WOULD BE  
20 WHAT IS IT YOU'RE GOING OUT TO COMMENT WITH. IF  
21 YOU ARE GOING TO ASK US TO CONDUCT MEETINGS THAT  
22 YOU MAY OR MAY NOT BE PART OF AND DEVELOP ISSUES,  
23 WE WOULD NEED SOME PUBLIC FORUM OR SOME FORUM  
24 WHERE YOU WOULD GIVE US DIRECTION ON WHAT IS THE  
25 DRAFT THAT WE ARE GOING TO PUBLIC COMMENT WITH.



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1       FOR EXAMPLE, IN THE PACKAGE HERE TODAY, YOU HAVE A  
2       DECEMBER 9TH, I BELIEVE, STAFF RECOMMENDED DRAFT  
3       THAT YOU WOULD START A 15-DAY OR WHATEVER DURATION  
4       COMMENT PERIOD WITH.

5                       IF YOUR THOUGHT IS THAT YOU ARE  
6       GOING TO WANT ADDITIONAL CHANGES TO THE LANGUAGE,  
7       WE NEED SOME FORUM TO KNOW WHEN WE WOULD GET  
8       DIRECTION ON WHAT THOSE DESIRED CHANGES ARE. SO  
9       THAT COULD BE THE JANUARY COMMITTEE MEETING  
10      POTENTIALLY. IF YOU WANTED MEETINGS TO OCCUR NOW  
11      AND THEN US TO BRING THE FRUIT OF THOSE MEETINGS  
12      TO YOUR MEETING IN JANUARY, YOU COULD THEN KNOW AT  
13      THAT POINT WHETHER OR NOT YOU WANTED TO DIRECT A  
14      COMMENT PERIOD FOLLOWING THE JANUARY COMMITTEE  
15      MEETING AS A SUGGESTION.

16                    MEMBER RELIS: THAT WOULD BE FINE. I  
17      LIKE THAT.

18                    CHAIRMAN FRAZEE: ARE YOU THROUGH WITH  
19      YOUR COMMENTS? I DO HAVE A FEW COMMENTS. I WANT  
20      TO START WITH THE ONE THAT PERHAPS THIS FALLS IN  
21      THE CATEGORY OF NEEDLING, BUT IT PROBABLY IS  
22      SOMETHING I HAVE A LITTLE PRIVILEGE TO DO  
INASMUCH

23      AS I'M THE FORMER VICE PRESIDENT OF THE  
24      ORGANIZATION CONCERNED. AND THE CALIFORNIA FARM  
25      BUREAU FEDERATION HAS TAKEN US TO TASK FOR



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1 DISCUSSING THIS ITEM AT THIS TIME OF YEAR.

2 WHEN THIS ISSUE FIRST AROSE SOME  
3 THREE OR FOUR MONTHS AGO, I CALLED THE WRITER OF  
4 THIS LETTER AND ALERTED HIM TO THE FACT WE WOULD  
5 BE DISCUSSING THIS AND WONDERING WHY WE HAD NOT  
6 HEARD FROM THEM. OF ALL PEOPLE WHO OUGHT TO BE  
7 INTERESTED IN THIS ISSUE, I THOUGHT THE FARM  
8 BUREAU SHOULD. I WAS TOLD THAT AT THIS TIME OF  
9 YEAR, WE ARE BUSY WITH THE LEGISLATURE, AND WE  
10 REALLY DON'T -- I'M PARAPHRASING -- REALLY DON'T  
11 GET EXCITED ABOUT THESE ISSUES UNTIL THEY GET DOWN  
12 TO THE FINAL END, AND WE THEN LIKE TO WEIGH IN ON  
13 THEM THEN. SO I JUST WANTED TO GET THAT ON THE  
14 RECORD, THAT THEY HAVE BEEN ADEQUATELY NOTIFIED  
15 AND ASKED FOR THEIR INPUT, AND IT WAS NOT  
16 FORTHCOMING UNTIL THE VERY LAST MINUTE.

17 JUST SOME COMMENTS IN GENERAL. THE  
18 DRAFT, THE DECEMBER 9TH DRAFT, THAT WE'RE WORKING  
19 WITH TODAY IS ONE THAT CAME ABOUT AS A RESULT OF  
20 THIS COMMITTEE'S ACTION PREVIOUSLY IN WHICH WE  
21 SET  
22 OUT THE PARAMETERS AND THIS IDEA OF AN EXCLUSION  
23 FOR BENEFICIAL USE. I THINK WE'RE IN PRETTY GOOD  
SHAPE WITH WHERE WE ARE. THE NEW ISSUES THAT  
WERE

24       RAISED BY FOOD AND AG AND BY THE FARM BUREAU  
25       WEIGHING IN ON THIS CERTAINLY, I THINK, ARE GOOD

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1 REASON TO CONTINUE THIS FOR SOME ADDITIONAL TIME.  
2 BUT A FEW THINGS JUST CAUSE ME TO FIND IT  
3 NECESSARY TO COMMENT, PARTICULARLY TESTIMONY OF  
4 LEA'S ON THIS ISSUE.

5 ALL THEIR POINTS ARE WELL TAKEN. I  
6 HAVE NO REAL PROBLEM WITH ANY OF THEM. BUT I  
7 THINK WE HAVE TO LOOK AT THE STARTING POINT, AND  
8 THE STARTING POINT IS THAT THIS ORGANIZATION IS  
9 THE WASTE MANAGEMENT BOARD. AND WE'RE CHARGED NOT  
10 WITH REGULATING AGRICULTURAL PRACTICES OR  
11 REGULATING AIR QUALITY, WATER QUALITY, AND THE  
12 WHOLE RANGE OF THINGS THAT OTHER AGENCIES ARE  
13 CHARGED WITH REGULATING. OUR CHARGE IS TO  
14 REGULATE WASTE, AND WE CAME INTO THIS AREA WITH  
15 ONE NARROW DEFINITION, ONE WORD IN THE DESCRIPTION  
16 OF WASTE, AND THAT WASTE INCLUDED ASHES AND,  
17 HENCE, DISPOSAL.

18 I DON'T THINK WE HAVE ANY BUSINESS  
19 REGULATING ANYTHING OTHER THAN THE DISPOSAL ASPECT  
20 OF THIS JUST AS ANY OTHER ITEM. I CAN SEE THAT IF  
21 WE'RE GOING TO BE IN THE USE OF ASH REGULATION  
22 BUSINESS, THEN WHEN DEPARTMENT OF FORESTRY AND  
23 FIRE DOES A CONTROLLED BURN, THEY ARE, IN FACT,  
24 APPLYING ASH TO SOIL. AND ARE THEY GOING TO COME  
25 TO US FOR A PERMIT AND DO AN AGRONOMIC STUDY





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1        BECAUSE THEY'RE DOING A CONTROLLED BURN?  THEY'RE  
2        DOING EXACTLY THE SAME THING.  THEY'RE TAKING  
3        BIOMASS ASH AND THEY'RE APPLYING IT TO SOIL AND  
4        FOR BENEFICIAL USE.

5                        SO I THINK WE CAN GO TO THE  
6        RIDICULOUS ON THIS.  ALL OF THE ISSUES THAT WERE  
7        RAISED, CONCERNS ABOUT DUST AND ALL THOSE OTHER  
8        TYPES OF THINGS, I BELIEVE ARE WELL TAKEN.  BUT,  
9        YOU KNOW, WE CAN REGULATE TO THE POINT OF ECONOMIC  
10       STANDSTILL IN THIS STATE.  I DON'T THINK THAT'S  
11       REALLY THE DESIRE OF ANYONE, AND THERE HAS TO BE  
12       SOME KIND OF BALANCE IN THIS, FIRST OF ALL, THE  
13       REGULATORY SIDE FROM THIS AGENCY'S AREA OF  
14       JURISDICTION AND THEN WHAT IS REASONABLE.

15                      AND, AS I SAY, I THINK THE DRAFT  
16       REGULATIONS, WHERE WE ARE NOW, PUTS US OVER IN AN  
17       EXCLUSION AREA.  IF WE FIND IN PRACTICE, AS WE  
18       HAVE WITH COMPOSTING REGULATIONS, THAT THERE'S A  
19       MAJOR PROBLEM ARISES, THEN WE GO BACK AND TAKE  
20       ANOTHER CUT AT THIS.  BUT I THINK AT THIS POINT  
21       WE'RE IN REASONABLY GOOD SHAPE ON IT OTHER THAN TO  
22       HAVE -- BE SURE THAT ALL OF THESE OTHER INTERESTED  
23       PARTIES IN THE WAY OF CDFA AND THE FARM BUREAU AND  
24       THE AIR BOARD AND THE WATER BOARDS ALL WEIGH IN ON  
25       THIS ISSUE AND WE'RE SURE THAT WE HAVEN'T DONE



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1 ANYTHING THAT CAUSES THEM TO COME BACK LATER ON  
2 AND SAY, WELL, WE REALLY WEREN'T INCLUDED IN THIS  
3 AND WE SHOULD HAVE A BIGGER PART.

4 SO I THINK, YOU KNOW, THIS ITEM WILL  
5 JUST CONTINUE AND ASSUME THAT THERE IS STAFF  
6 DIRECTION TO MEET WITH -- CONTINUE TO MEET WITH  
7 AFFECTED PARTIES AND COME BACK BEFORE US AGAIN  
8 WITH THE INTENT THAT WE'LL OPEN A 15-DAY COMMENT  
9 PERIOD AFTER THE NEXT TIME THAT WE HEAR THIS ITEM.  
10 OKAY. GOOD.

11 NOW LET'S MOVE ON TO ITEM 10. THIS  
12 IS A PRESENTATION ONLY OF THE NUISANCE AND HEALTH  
13 AND SAFETY CONCERNS OF ACTIVITIES EXCLUDED FROM  
14 COMPOSTING REGULATION REQUIREMENTS.

15 (THE FOLLOWING COMMENTS WERE TAKEN  
16 OUT OF ORDER DURING ITEM 8 TO ACCOMMODATE SPEAKERS  
17 AND HAVE BEEN PLACED HERE TO PROVIDE CONTINUITY  
18 WHERE THE REST OF THE ITEM WAS HEARD IN ITS  
19 ENTIRETY.)

20 CHAIRMAN FRAZEE: MEETING WILL COME TO  
21 ORDER, PLEASE. WE'RE GOING TO MOVE AHEAD WITH A  
22 RATHER UNUSUAL PROCEDURE HERE. WE ALWAYS TRY TO  
23 ACCOMMODATE EVERYONE WITH THEIR TRAVEL SITUATIONS,  
24 PARTICULARLY IN THE WINTERTIME.

25 ITEM 10 TODAY IS A DISCUSSION ITEM.



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1 WE DO HAVE THE LEA FROM SAN DIEGO COUNTY, WHO IS  
2 HERE TO JUST MAKE A PRESENTATION, AN INFORMATIONAL  
3 PRESENTATION, ON THAT ITEM. SO WE'RE GOING TO  
4 SUSPEND THE PUBLIC HEARING ON THE ASH ITEM BRIEFLY  
5 WHILE WE HEAR FROM KEN CALVERT FROM SAN DIEGO  
6 COUNTY, AND THEN WE'LL RETURN IMMEDIATELY AFTER  
7 HIS PRESENTATION, AND THEN ITEM 10 WILL BE TAKEN  
8 UP IN REGULAR CALENDAR ORDER.

9 MR. CALVERT: THANK YOU VERY MUCH,  
10 CHAIRMAN FRAZEE, FOR YOUR PATIENCE. MY NAME IS  
11 KEN CALVERT WITH SAN DIEGO COUNTY LOCAL  
12 ENFORCEMENT AGENCY. AND I'M HERE TO ENCOURAGE THE  
13 BOARD AND SPECIFICALLY THE P&E COMMITTEE TO REOPEN  
14 THE ISSUE OF THE EXCLUSION TIERS FOR GREEN WASTE.  
15 AND THIS IS BASED ON THE EXPERIENCE THAT SAN DIEGO  
16 COUNTY HAS HAD IN THE REGULATION OF GREEN WASTE.

17 I WOULD SAY THAT WHEN THE  
18 REGULATIONS WERE FIRST ADOPTED, PERSONALLY, AND I  
19 THINK, ALSO WITH OUR COUNTY, WE WERE OF THE VIEW  
20 THAT MAYBE THIS IS SOMETHING THAT WE SHOULDN'T BE  
21 REGULATING. BUT WE'VE COME TO THE CONCLUSION,  
22 AFTER BEING IN THIS BUSINESS FOR SOME TIME, THAT  
23 WE WERE WRONG, AND THIS IS DEFINITELY AN ISSUE  
24 THAT WE, AS AN LEA, NEED TO BE INVOLVED IN. AND  
25 WE BELIEVE THAT SOME OF THE THINGS THAT HAVE BEEN



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1 EXCLUDED BY THE WASTE BOARD NEED ALSO TO BE  
2 INCLUDED INTO THE REGULATORY TIERS, SPECIFICALLY  
3 CHIPPING AND GRINDING OPERATIONS OF ALL TYPES. WE  
4 WOULD INCLUDE VERMICOMPOSTING IN THAT AS WELL AS  
5 MUSHROOM FARMING.

6 IN FACT, I WOULD SAY THAT ANY TIME  
7 TRASH TRUCKS ARE ROLLING DOWN THE ROAD AND MAKING  
8 DELIVERIES OF GREEN WASTE TO A NONLANDFILL OR SOME  
9 OTHER SITE, THAT THAT SITE NEEDS TO BE REGULATED  
10 UNDER SOME SORT OF TIER, THAT THE ACTIVITY ALONE  
11 OF TRANSPORTING GREEN WASTE INTO SOME OF THE  
12 COMMUNITY AREAS THESE THINGS ARE TRANSPORTED  
13 CAUSES SOME OF THE NUISANCES AND CONCERNS THAT WE  
14 HAVE.

15 I HAVE SOME PICTURES I'D LIKE TO  
16 PROVIDE, AND THESE ARE SOME EXAMPLES OF SOME OF  
17 THE OPERATIONS THAT WE'VE SEEN IN SAN DIEGO  
18 COUNTY.

19 WHAT WE FOUND IS THAT THE INDUSTRY  
20 THAT WE DEALT WITH IN THE PROMULGATION OF THE  
21 REGULATIONS FOR GREEN WASTE COMPOSTING WERE NOT  
22 THE INDUSTRY SPECIFICALLY THAT WE HAD TROUBLE  
WITH

23 ONCE THE REGULATIONS WERE ADOPTED. WHAT WE  
24 FOUND -- AND IF I HAVE TIME, I'D LIKE TO SPEAK ON  
25 THE ASH ISSUE AS WELL -- IS THAT THOSE THINGS





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1 WHICH ARE EXCLUDED SPECIFICALLY BY YOUR BOARD ARE  
2 THE THINGS THAT WE'RE GOING TO GET MORE OF.

3 SO SPECIFICALLY PEOPLE ARE CON-  
4 DUCTING OPERATIONS, AND THEY'RE CONDUCTED IN SUCH  
5 A WAY SO THAT THEY CAN BE EXCLUDED. WE'VE HAD  
6 OTHER ISSUES IN WHAT WE FEEL IS SOME PRACTICES  
7 THAT RESULTED IN SIMPLE LANDFILLING OF GREEN  
8 WASTE. WE'VE SEEN AREAS WHERE IT'S BEEN 10 TO 12  
9 FEET DEEP WHERE IT'S SIMPLY BEEN PILED WITH NO  
10 APPARENT AGRONOMIC BENEFIT. AND WE'VE SEEN  
11 OPERATIONS THAT ACCEPT BETWEEN 200 AND 500 TONS  
12 OF  
13 GREEN WASTE PER DAY AND HAVE NO USE FOR THE  
14 MATERIAL ON THE OTHER END NECESSARILY.

15 SO WE'VE HAD HUNDREDS OF COMPLAINTS  
16 ON THIS ISSUE FROM DOZENS OF OPERATIONS. THE  
17 OPERATIONS THAT WE PERMIT AND REGULATE WE'VE HAD  
18 VERY FEW COMPLAINTS ABOUT. I WOULD SAY LESS THAN  
19 A DOZEN. IN OUR EXPERIENCES WE'VE RECEIVED  
20 HUNDREDS OF COMPLAINTS ON THOSE FACILITIES WHICH  
21 ARE EXCLUDED FROM REGULATIONS.

22 SO I WOULD JUST ENCOURAGE THIS  
23 BOARD  
24 TO REEXAMINE THAT ISSUE. WE FOUND THAT IN  
25 PRACTICE THE EXCLUSIONS HAVE CREATED PROBLEMS FOR

24 US AS A LOCAL ENFORCEMENT AGENCY. THANK YOU FOR  
25 CONSIDERING THIS OUT OF ORDER. I'D LIKE TO STAY

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1 TO MAKE COMMENTS ON THE ASH REGULATION, IF I MAY.

2 CHAIRMAN FRAZEE: THANK YOU.

3 MS. RICE: THANK YOU. BRIAN LARIMORE  
4 WILL MAKE THIS PRESENTATION FOR STAFF.

5 MR. LARIMORE: GOOD AFTERNOON, MR.  
6 CHAIRMAN, COMMITTEE MEMBERS. FOR THE RECORD A  
7 CORRECTION TO THE AGENDA ITEM NEEDS TO BE MADE.  
8 ON PAGE 5 WHERE IT SAYS "COMPOSTING ACTIVITIES  
9 ASSOCIATED WITH CHIPPING AND GRINDING AND  
10 VERMICOMPOSTING ARE NOT SUBJECT TO THE COMPOSTING  
11 REGULATIONS IF NO MATERIAL IS SOLD OR GIVEN AWAY,"  
12 THE "ARE NOT" SHOULD BE CHANGED TO "MAY OR MAY NOT  
13 BE."

14 JAMES TRUJILLO, SAN BERNARDINO LEA,  
15 HAD TO CATCH A PLANE AND ASKED THAT I STATE FOR  
16 THE RECORD THAT A BETTER DEFINITION OF  
17 VERMICOMPOSTING IS NEEDED TO CLARIFY WHICH  
18 ACTIVITIES LEADING UP TO VERMICOMPOSTING ARE  
19 SUBJECT TO THE COMPOSTING REGULATIONS.

20 STATE MANDATED DIVERSION REQUIRE-  
21 MENTS HAVE RESULTED IN AN INCREASING NUMBER OF  
22 ORGANIC PROCESSING OPERATIONS, PRIMARILY  
23 VERMICOMPOSTING AND CHIPPING AND GRINDING  
24 ACTIVITIES. FURTHER RELIANCE ON THESE ACTIVITIES  
25 IS EXPECTED IN ORDER TO MEET THE 50-PERCENT



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1        DIVERSION GOAL BY 2000.    PROBLEMS ASSOCIATED WITH  
2        STORAGE AND PROCESSING MAY NEGATIVELY AFFECT THE  
3        PUBLIC'S PERCEPTION OF ORGANIC PROCESSING.

4                        BOARD AND LEA STAFF HAVE IDENTIFIED  
5        HEALTH, SAFETY, AND ENVIRONMENTAL IMPACTS  
6        RESULTING FROM THE OPERATION AND ACTIVITIES THAT  
7        WERE EITHER EXCLUDED FROM COMPOSTING REGULATION  
8        REQUIREMENTS.    FOR INSTANCE, VERMICOMPOSTING AND  
9        CHIPPING AND GRINDING ARE DETERMINED TO BE OUTSIDE  
10       THE SCOPE OF THE COMPOSTING REGULATIONS; FOR  
11       INSTANCE, MUSHROOM FARMS.

12                      IMPACTS INCLUDE ODORS, FIRE HAZARDS,  
13       VECTORS, TRAFFIC, DUST, NOISE, AND THREATS TO  
14       PERSONAL HEALTH AND SAFETY.    OTHER CONCERNS  
15       INCLUDE THE LONG-TERM STORAGE OF ORGANIC MATERIALS  
16       AND SITE ABANDONMENT.    NUMEROUS MULCH PILE FIRES  
17       DURING THE PAST TWO YEARS AND SEVERAL VERMI-  
18       COMPOSTING OPERATORS WHO CLAIM TO BE EXCLUDED FROM  
19       THE COMPOSTING REGULATIONS WOULD HAVE INSUFFICIENT  
20       WORM BEDS TO COMPOST THE AMOUNT OF FEEDSTOCK  
21       STORED ON SITE.

22                      LEA'S ARE ENCOUNTERING THE PROBLEM  
23       OF HAVING TO APPROPRIATELY HANDLE NUISANCES AND  
24       HEALTH AND SAFETY CONCERNS AT THESE SITES  
SINCE

25        THESE ACTIVITIES ARE NOT SUBJECT TO THE  
BOARD'S

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1 COMPOSTING REGULATIONS AND MAY OR MAY NOT BE  
2 SUBJECT TO LOCAL ORDINANCES, CONDITIONAL USE  
3 PERMITS, CEQA MITIGATION MEASURES, OR LEASE  
4 AGREEMENTS.

5 LOCAL FIRE AUTHORITIES, AIR  
6 DISTRICTS, AND REGIONAL WATER QUALITY CONTROL  
7 BOARDS ONLY REGULATE CERTAIN ASPECTS OF OPERATIONS  
8 AT THESE SITES. SOME LEA'S HAVE THE PERCEPTION  
9 THAT ADEQUATE STATE AND LOCAL REGULATORY TOOLS ARE  
10 NOT AVAILABLE.

11 THE PLANNED SLOTTING OF CHIPPING AND  
12 GRINDING INTO THE REGULATORY TIERS SHOULD SOLVE  
13 PROBLEMS ASSOCIATED WITH THIS ACTIVITY. IN ORDER  
14 TO ADEQUATELY ADDRESS IMPACTS ASSOCIATED WITH  
15 VERMICOMPOSTING AND ACTIVITIES OUTSIDE THE SCOPE  
16 OF THE COMPOSTING REGULATIONS, FURTHER ACTION BY  
17 THE BOARD MAY BE NECESSARY.

18 THIS COULD INCLUDE LEA GUIDANCE AND  
19 TRAINING AND REGULATORY CHANGES. FOR EXAMPLE,  
20 CLARIFICATION OF INADVERTENT VERSUS INTENTIONAL  
21 COMPOSTING IS CENTRAL TO ADDRESS THESE IMPACTS.

22 THE INCREASED USE OF ORGANIC  
23 PROCESSING REQUIRES A RENEWED FOCUS BY THE BOARD  
24 ON ENSURING THAT PUBLIC HEALTH, SAFETY, AND THE  
25 ENVIRONMENT ARE ADEQUATELY PROTECTED AT THESE





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1       ACTIVITIES.

2                       OPTIONS TO ADDRESS THESE PROBLEMS

3       INCLUDE ACCELERATE THE PLACEMENT OF CHIPPING AND

4       GRINDING INTO THE REGULATORY TIERS, SOLICIT LEA

5       INPUT THROUGH A QUESTIONNAIRE, CONDUCT WORKSHOPS

6       WITH LEA'S, INDUSTRY, AND OTHER INTERESTED

7       PARTIES, PROVIDE GUIDANCE TO LEA'S THROUGH AN

8       ADVISORY, PROVIDE TRAINING TO LEA AND BOARD STAFF,

9       AND MAKE REGULATORY CHANGES. FOR EXAMPLE, IMPROVE

10      THE DEFINITION OF VERMICOMPOSTING, SLOT

11      VERMICOMPOSTING IN THE NOTIFICATION TIER, AND MAKE

12      IT SUBJECT TO GENERAL OPERATING STANDARDS, AND

13      MAKE STORAGE OF ORGANIC MATERIALS SUBJECT TO

14      REGULATION.

15                      THIS CONCLUDES MY PRESENTATION. DO

16      YOU HAVE ANY QUESTIONS?

17                      CHAIRMAN FRAZEE: QUESTIONS? IF NOT,

18      LET'S GO TO THE PUBLIC FOR COMMENTS ON THIS.

19                      BY WAY OF PREFACE, WOULD YOU

WANT TO

20      EXPRESS SOME OF THE CONCERNS? THAT MIGHT BE

21      WORTHWHILE.

22                      MEMBER RELIS: MR. CHAIR, FIRST LET

ME

23      THANK YOU FOR BRINGING THIS MEETING FORWARD,

THIS

24 INFORMATIONAL MEETING. SOME TIME AGO, SOME

MONTHS

25 AGO, MY OFFICE BECAME FAMILIAR WITH SEVERAL

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1        FACILITIES THAT WERE OPERATING ALLEGED VERMI-  
2        COMPOSTING AND WHICH BY ALL APPEARANCE DID NOT  
3        SEEM TO FIT THE DESCRIPTION.

4                    MY ADVISOR, FITZ FITZGERALD OF MY  
5        OFFICE AND I KNOW YOUR OFFICE, DON DIER, MADE SOME  
6        SITE VISITS IN SOUTHERN CALIFORNIA AND BROUGHT  
7        BACK PICTURES AND STORIES ABOUT FACILITIES WHICH  
8        THEY HAD SEEN THAT CAUSED ME SOME ALARM.  AND I  
9        KNOW WE'VE HAD A CHANCE TO DISCUSS THIS.  AND IN  
10       KEEPING WITH THE BOARD -- IT'S NOT OFTEN THAT WE  
11       HAVE AN ISSUE THAT I WOULD SAY WOULD NEED THIS  
12       TYPE OF HEARING; BUT, FRANKLY, I THINK THERE'S A  
13       NEED FOR STATE LEADERSHIP ON THIS ISSUE.

14                   I THINK IF WE DON'T GET A HANDLE ON  
15       IT SOON, WE FACE THE PROBLEM OF STOCKPILED  
16       MATERIALS WITH LARGE CLEANUP COSTS, LEGACIES NOT  
17       UNLIKE WHAT WE'VE SEEN WITH TIRE PILES.  I THINK  
18       WE HAVE THE PROSPECT OF UNDERMINING SOME OF OUR  
19       BEST EFFORTS TO CREATE MARKETS AND FACILITIES THAT  
20       OPERATE WITHIN GUIDELINES AND ARE PROPERLY  
21       MANAGED.  THESE OPERATIONS HAVE HAD AN UNFAIR AND  
22       NEGATIVE IMPACT ON THE DIRECTION THIS BOARD  
23       CHOOSES TO GO IN.

24                   AND I HEARKEN BACK TO I KNOW MR.  
25       FRAZEE AND MR. PENNINGTON WERE NOT HERE WHEN THE



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1 COMPOST REGULATIONS AND TIERED PERMITTING WAS  
2 BEING DEVELOPED AND HOW MUCH CARE AND TIME WE PUT  
3 INTO THIS ISSUE OF EXCLUSION AND WHAT MATERIALS  
4 WOULD BE ELIMINATED IN VERMICULTURE AND CHIP  
5 AND -- WE CALLED THEM CHIP AND SHIP, I THINK,  
6 OPERATIONS THEN. WE DECIDED TO LEAVE THEM ALONE  
7 AND OBSERVE IF ANYTHING DETRIMENTAL WOULD HAPPEN.  
8 AND I THINK WE NOW HAVE REASON TO BELIEVE THAT MAY  
9 HAVE BEEN SHORTSIGHTED AT THAT POINT. WE MAY NEED  
10 TO REVISIT.

11 MS. RICE: WE ALSO INDICATED, I BELIEVE,  
12 AND I THINK IT'S MENTIONED IN BRIAN'S WRITEUP,  
13 THAT WE WOULD REVISIT THAT ISSUE IN THE TIER  
14 STRUCTURE LATER ON. SO IT WASN'T SO MUCH THAT WE  
15 DECIDED NOT TO REGULATE, BUT RATHER WE WOULD  
16 ADDRESS IT LATER.

17 MEMBER RELIS: SO NOW IT'S SOONER THAN  
18 LATER. AND I'M HOPEFUL THAT AFTER WHAT WE HEAR  
19 TODAY, WE'LL TAKE SOME ACTION ON THIS.

20 CHAIRMAN FRAZEE: I MIGHT INDICATE ALSO  
21 THAT I THINK I ARRIVED ON THE SCENE IN THE FINAL  
22 STAGES OF THE DISCUSSIONS ON COMPOST REGULATIONS.  
23 AND LIKE THE PROVERBIAL FISH OUT OF WATER, I  
24 FLOPPED AROUND NOT REALLY UNDERSTANDING EVERYTHING  
25 AT THE POINT.



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1 I GUESS THE ONE THING THAT I -- THAT  
2 I RECALL WAS THIS PARTICULAR DISCUSSION ON THE  
3 CHIP AND SHIP OR THE CHIPS AND DIPS AND EVAN  
4 EDGAR'S DISCUSSION OF THAT WHOLE SUBJECT. AND  
5 I'LL HAVE TO ADMIT I DIDN'T APPRECIATE THE MESSAGE  
6 THAT HE WAS TRYING TO DELIVER TO US AT THAT TIME.  
7 SO HE'S PROBABLY HERE TO TODAY TO TELL US I TOLD  
8 YOU SO.

9 FIRST LET'S HEAR FROM RICHARD  
10 DISNEY, DISNEY ENTERPRISES IN SAN DIEGO. STILL  
11 HERE. MISSED YOUR PLANE. I'M SORRY.

12 MEMBER PENNINGTON: WHILE HE'S COMING UP,  
13 I JUST WANTED TO SAY THAT WHEN I CAME --

14 MR. DISNEY: OH, WE GAVE UP ON THE PLANE  
15 IDEA A LONG TIME AGO. MY NAME IS RICHARD DISNEY.  
16 I'M FROM SAN DIEGO. AND SOME OF THOSE PICTURES  
17 THAT YOU HAVE IN FRONT OF YOU RIGHT NOW ARE FROM  
18 ME, AND I'M APPALLED BY THOSE PICTURE AS MUCH AS  
19 YOU ARE. THEY LOOK GROSS, THEY LOOK FILTHY, THEY  
20 LOOK LIKE A SHODDILY RUN OPERATION.

21 IN JULY OF THIS YEAR, 1996, WE TOOK  
22 OVER A LEASE OF OVER 200 ACRES OF LAND. THAT LAND  
23 IS IN THE TIUJUANA RIVER VALLEY IN SAN DIEGO. IN  
24 1993 THAT VERY SAME LAND WAS UNDER 8 FEET OF  
25 WATER. SINCE THAT TIME THAT IT WAS UNDER 8 FEET





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1       OF WATER, THE INTERNATIONAL BOUNDARY WATER  
2       COMMISSION HAS SPENT MILLIONS OF DOLLARS PUTTING  
3       IN A SEWER PLANT THAT WILL INTERCEPT THE WATER  
4       THAT COMES FROM TIUJUANA THAT WOULD NORMALLY  
5       OVERFLOW AND GO ACROSS THAT LAND.

6                   IN ADDITION TO THAT, TREATIES HAVE  
7       BEEN MADE WITH MEXICO TO ASSURE THAT THE RODRIGUEZ  
8       DAM THAT WAS ONE OF THE MAIN CAUSE AND FACTORS OF  
9       THE FLOODING OF THE VALLEY IN 1993 WILL NO LONGER  
10      BE SPILLED INADVERTENTLY, CAUSING THE FLOODING  
11      SITUATION THAT THERE IS.

12                   WHEN WE TOOK OVER THAT LAND IN JULY,  
13      WE IMMEDIATELY STARTED DEEP PLOWING. WE HAVE A  
14      TRACTOR WITH A RAKE THAT WILL GO DOWN ABOUT 5 TO 6  
15      FEET. WE PULLED UP DEAD HORSES, TIRES. WE PULL  
16      UP A LOT OF THAT MATERIAL THAT YOU SEE IN THOSE  
17      PICTURES IN FRONT OF YOU TODAY, GENTLEMEN. MR.  
18      TALVERT (SIC) SAID THAT ANYTHING THAT SHOULD BE  
19      REGULATED SHOULD BE ANY GARBAGE TRUCK THAT GOES  
20      DOWN THE STREET AND DEPOSITS GARBAGE CAUSES A  
21      REGULATORY PROBLEM FOR THE CALIFORNIA INTEGRATED  
22      WASTE MANAGEMENT BOARD.

23                   WHAT HAPPENS IF THAT MATERIAL WAS  
24      ALREADY THERE AND WE'RE SIMPLY CLEANING IT UP?  
25      WE'RE WORKING VERY HARD TO CLEAN THAT UP, AND



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1 WE'VE MADE A LOT OF PROGRESS IN THAT AREA.

2 I BELIEVE THAT ONE OF THE MEMBERS ON  
3 THE BOARD RIGHT NOW HAS BEEN DOWN TO OUR SITE. I  
4 BELIEVE THE OTHER REGULATORY MEMBERS HAVE BEEN  
5 DOWN TO OUR SITE. AND I WOULD LIKE TO INVITE YOU  
6 TO PLEASE RETURN TO OUR SITE AND SEE THE PROGRESS  
7 THAT WE'VE MADE.

8 WE'VE MADE THIS PROGRESS IN SPITE OF  
9 THE FACT THAT WE HAVE TWO WELLS THAT WERE TOTALLY  
10 SABOTAGED BY PERSONS UNKNOWN JUST TO STRIP THE  
11 COPPER. WE HAVE HOUSES AND BARNS THAT WERE  
12 TOTALLY SABOTAGED. ONE OF THE PICTURES THAT YOU  
13 HAVE THERE INCLUDES SOME PAINTED WOOD. WE  
14 COOPERATED WITH THE CITY OF SAN DIEGO AND  
15 DISMANTLED A 1500-SQUARE-FOOT BUILDING THAT WAS ON  
16 THE PROPERTY. THEY SAID EITHER REPAIR IT OR LOSE  
17 IT IN ORDER TO COME INTO COMPLIANCE WITH LOCAL  
18 CODES.

19 SO WE DO THIS. AND I BELIEVE THAT  
20 THERE'S A CHAIN OF EVIDENCE MISINTERPRETATION THAT  
21 HAS OCCURRED HERE, GENTLEMEN. AN AIDE TO MR.  
22 TALVERT CAME DOWN THERE AND TOOK PICTURES. I  
23 SPECIFICALLY POINTED TO A TIRE THAT WAS LAYING UP  
24 AGAINST ONE OF OUR PILES AND SAID, "WILL YOU  
25 PLEASE NOTE THERE'S A BRAND ON THAT TIRE? IT SAYS



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1 U.S. BORDER PATROL." YOU KNOW HOW THAT GETS HERE?  
2 BECAUSE THE BORDER PATROL TAKES TEN OF THESE  
3 TIRES, PUTS THEM ON A CHAIN, AND DRAGS THEM AROUND  
4 OUR PROPERTY, WHETHER WE WANT TO OR NOT, CREATING  
5 A CLOUD OF DUST THAT WE HAVE -- WE HAVE TROUBLE  
6 BREATHING. WE USE OUR WATER TRUCK TO GO OUT THERE  
7 AND DIMINISH THE DUST IN ORDER SO THAT THEY CAN  
8 MAKE AN ACCOUNTING OF HOW MANY ILLEGAL ALIENS PASS  
9 OVER THE PROPERTY.

10 BY THE WAY, WE'RE ABOUT A QUARTER OF  
11 A MILE FROM THE BORDER. AND SO WITH THIS IN MIND,  
12 WHAT YOU HAVE BEFORE YOU, GENTLEMEN, IN REGARDS TO  
13 US IS TAINTED EVIDENCE. AND WE'D LIKE TO PLEASE  
14 INVITE YOU TO COME DOWN AND SEE OUR SITE IN  
15 PERSON, REVISIT IT ANY TIME THAT YOU WOULD LIKE.

16 IN REGARDS TO VERMICULTURE, LET'S  
17 TAKE A LOOK AT THIS FLOW CHART. I DON'T KNOW  
HOW

18 WELL YOU CAN SEE THIS. WE HAVE MATERIAL THAT IS  
19 RECEIVED AT THE FACILITY THAT'S COME IN AND IT'S  
20 INSPECTED, IT GOES THROUGH A FEEDSTOCK  
21 PREPARATION. YOU HAVE REJECTED MATERIAL AND YOU  
22 HAVE RECYCLED MATERIAL THAT LEAVES THE PROPERTY.  
23 WE HAVE AN ON-SITE AGRICULTURAL USE IN WHICH WE  
24 ADD NITROGEN. IT GOES THROUGH A COMPOSTING AND

25        BECOMES LAND APPLIED TO OUR LAND.    WE ALSO ADD

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1        AGRICULTURAL GYPSUM TO THAT SAME.

2                                WE ARE IN A VERY HIGHLY SALINE  
AREA.

3        ANY OF YOU THAT HAVE ANY BACKGROUND IN THE  
4        AGRICULTURAL AREA WILL REALIZE THAT GYPSUM IS  
VERY

5        HIGHLY DESIRABLE IN REDUCING SALINITY IN SOILS.

6                                NOW, THE VERMICULTURE END OF IT,  
WE

7        HAVE A FEEDSTOCK PREPARATION, AND WE HAVE A VERY  
8        SHORT PROCESS BY WHICH IN 15 TO 20 DAYS IT  
BECOMES

9        WORM FOOD, AND IT GOES THROUGH A PROCESS WHERE  
10       WORMS EAT IT AND WE RETURN TO IT. ON EACH ONE  
OF

11       THESE CHARTS HERE, YOU WILL SEE A LITTLE LINE  
OVER

12       HERE, AND IT SAYS PATH -- IT SAYS MICROBE  
13       REINTRODUCTION. AND WHAT THAT BOILS DOWN TO IS  
WE

14       HAVE WOOD CHIPS THAT WE PUT INTO OUR WORM BEDS.  
15       AND WE TAKE THOSE WOOD CHIPS AND WE SCREEN THEM  
16       OUT, WE REINTRODUCE THEM INTO OUR PILES IN ORDER  
17       TO PROVIDE THE MICROBE INTRODUCTION THAT

BASICALLY

18 HELPS BREAK DOWN AND MAKE DESIRABLE COMPOST.  
19 WE HAVE HERE -- WE DO TESTING  
20 PROCEDURES FOR ALL THE ORGANOCHLORINES. WE'VE  
21 GONE FURTHER. THIS IS A SPECTROCHROMATOGRAPH  
THAT  
22 SHOWS IN DAY 43 THAT WE ACCOMPLISH, AT APPROXI-  
23 MATELY DAY 43, WHAT IT TAKES OTHER NURSERIES --  
AS  
24 AN EXAMPLE WE'RE USING FLYNN RAINBOW NURSERY --  
25 TAKES THEM 180 DAYS TO ACCOMPLISH. AND SO WE  
HAVE



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1 PROOF THAT OUR MICROBE MANAGEMENT IS WORKING.

2 GOING TO GO BACK TO MY NOTES HERE.

3 IN GENERAL, WHAT HAS HAPPENED TODAY IS THAT MR.

4 TALVERT FROM THE LEA HAS PRESENTED YOU WITH SOME

5 PICTURES, AND HE HIMSELF WAS NOT PRESENT AT OUR

6 SITE, AND THAT THESE PICTURES NEED CLARIFICATION.

7 MEMBER RELIS: SIR, MY STAFF HAS BEEN AT

8 YOUR SITE. AND I DON'T NEED TO HEAR FROM MR.

9 TALVERT. I HAVE FIRSTHAND COMMUNICATION FROM MY

10 STAFF. AND WITH ALL DUE RESPECT, I THINK THERE'S

11 A CREDIBILITY GAP BETWEEN THE IDEA AND THE REALITY

12 HERE.

13 I CAN LOOK AT A FLOW DIAGRAM, AND IT

14 LOOKS FINE, BUT THE PRACTICE IS WHAT WE'RE

15 CONCERNED ABOUT. WHATEVER YOU ARE DOING, AND

16 WE'RE NOT HERE EVALUATING YOUR OPERATION AT THE

17 MOMENT, WE'RE HERE TAKING INFORMATION ABOUT THIS

18 BEING A SERIOUS ISSUE FOR THE STATE TO POSSIBLY

19 CONSIDER ADDRESSING.

20 MR. DISNEY: COULD YOU REVISIT OUR SITE?

21 MEMBER RELIS: I COULD REVISIT. I'M

22 TALKING ABOUT AT THE MOMENT, NOT THE FUTURE. HERE

23 AND NOW.

24 MR. DISNEY: IF YOU WERE AVAILABLE, SAY,

25 TODAY TO COME, YOU KNOW, AND --



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1                   MEMBER RELIS: I'M NOT AVAILABLE TODAY.  
2           IF I WERE, I DON'T KNOW THAT I WOULD. WE DON'T GO  
3           AROUND RESPONDING TO BRUSH FIRES. SO LEAVE IT AT  
4           THAT.

5                   MR. DISNEY: WHAT I JUST SAID WASN'T MY  
6           PLANNED PRESENTATION, BUT IT WAS IN RESPONSE TO  
7           MR. TALVERT'S GIVING YOU THESE PICTURES THAT I DO  
8           BELIEVE SERIOUSLY NEED CLARIFICATION, THAT MR.  
9           TALVERT IN HIS PRESENT -- IN HIS PREVIOUS  
10          DISCUSSIONS HAVE TALKED ABOUT LEVELING THE PLAYING  
11          FIELD ECONOMICALLY. LET'S MAKE VERMICULTURE AS  
12          ECONOMICALLY AS EXPENSIVE AS THE COMPOSTERS  
13          BECAUSE THAT WAY THE TIPPING FEES WILL REMAIN  
14          EQUAL AND THAT EVERYBODY WILL HAVE A FAIR CHANCE  
15          ON THE PLAYING FIELD.

16                   IT ISN'T POSSIBLE TO DO THAT BECAUSE  
17          WITH VERMICULTURE YOU HAVE A PRODUCT THAT IS  
18          VALUABLE WHEN THE WORMS ARE FINISHED. THIS  
19          PRODUCT IS VALUABLE AS MUCH AS \$50 PER CUBIC YARD.  
20          I DON'T SEE COMPOST BEING SOLD AT \$50 A CUBIC YARD  
21          ANYWHERE IN THE STATE OF CALIFORNIA. THEY'RE VERY  
22          LUCKY TO GET \$5 PLUS TRANSPORTATION.

23                   OUR OPERATION EXISTS FOR THE  
24          BENEFIT. WE CONSIDER OURSELVES ENVIRONMENTALISTS.  
25          WE DO NOT USE CHEMICALS, WE DON'T USE PETRO-



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1       CHEMICALS, WE DO NOT USE PESTICIDES. WE ARE  
2       REINTRODUCING ORGANICS INTO A LAND THAT IS GREATLY  
3       DEPRIVED OF IT. WE'RE USING AS MUCH AS WE CAN IN  
4       OUR AREA OF EXPERTISE AND AGRICULTURE A CROP THAT  
5       WILL GROW WITHOUT ANY INVASIVENESS TO THE LAND,  
6       THAT WILL PRODUCE IN OUR VALLEY A BEAUTIFUL IMPACT  
7       SO THAT WHEN PEOPLE SEE THIS, THAT THEY'LL SEE  
8       HUNDREDS OF ACRES OF FLOWERING PLANTS.

9                       EVERYTHING THAT IS BEING DONE IS  
10       BEING USED, AND WE ARE VERMICULTURISTS. WE ARE  
11       OPERATING WITHIN THE CONTEXT, I BELIEVE, OF THE  
12       INTENT OF THE CALIFORNIA INTEGRATED WASTE  
13       MANAGEMENT BOARD. I DON'T BELIEVE THAT ANY  
14       FURTHER REGULATION IS NECESSARY. I THINK THAT  
15       JUST CLARIFICATION AS TO WHAT THE SITUATION IS IS  
16       ALL THAT'S REALLY REQUIRED. THANK YOU.

17                   CHAIRMAN FRAZEE: I'D LIKE TO ASK A FEW  
18       QUESTIONS. FIRST OF ALL, I HAVE NOT VISITED THIS  
19       PARTICULAR SITE. AS WAS MENTIONED, STAFF MEMBERS  
20       HAVE BEEN DOWN AND BROUGHT BACK PICTURES. BUT YOU  
21       ALSO OPERATED THE SITE AT CALIFORNIA STATE  
22       UNIVERSITY SAN MARCOS.

23                   MR. DISNEY: YES, THAT IS TRUE. AND  
24       THERE ARE PROBLEMS CURRENTLY OCCURRING WITH THAT  
25       SITE. MANY OF THEM ARE CONTRACTUAL. IN OTHER



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1 WORDS, IN THE PROCESS OF DOING WHAT WAS DONE AT  
2 CAL STATE UNIVERSITY SAN MARCOS, WE HAD A CONTRACT  
3 TO FOLLOW. AND AS A RESULT, IN FOLLOWING THAT  
4 CONTRACT AND NOT BEING ABLE TO UTILIZE THE  
5 PRODUCT, THE PRODUCT WHEN IT CAME IN WOULD BECOME  
6 THE PROPERTY OF THE STATE OF CALIFORNIA AND AS  
7 SUCH HAD TO BE MANAGED IN A WAY THAT THEY DICTATE.

8 AS A RESULT, OUR HANDS ARE TIED TO A  
9 CERTAIN POINT, THAT THERE'S ONLY SO MUCH WE CAN  
10 DO. WE HAVE TO DO WITHIN THEIR PARAMETERS.

11 NOW, WE ARE STILL ON THAT SITE  
12 TODAY. WE ARE STILL WORKING ON THAT SITE. WE  
13 HAVE A CREW. WE HAVE HUNDREDS OF THOUSANDS OF  
14 DOLLARS WORTH OF EQUIPMENT SCREENING AND  
15 PROCESSING MATERIAL, LAND APPLYING IT AS THE  
16 UNIVERSITY WANTS IT. AT THIS POINT WE HAVE BEEN  
17 REDUCED TO NOTHING -- WE ARE A LANDSCAPER AT THIS  
18 POINT, DOING FOR THE STATE OF CALIFORNIA WHAT THEY  
19 TELL US TO DO. IF THE RESULT DOESN'T LOOK WELL,  
20 IT IS KIND OF LIKE TRYING TO FLY AN AIRPLANE BY A  
21 COMMITTEE. REALLY, THERE ARE PROBLEMS.

22 CHAIRMAN FRAZEE: THE INTENT OF THAT  
23 PROJECT WAS TO TAKE GREEN WASTE, PROCESS, AND  
24 APPLY IT AS MULCH.

25 MR. DISNEY: YES, SIR.





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1                   CHAIRMAN FRAZEE:   AND THERE WAS NO INTENT  
2                   TO COMPOST ON THAT SITE.

3                   MR. DISNEY:   NO, SIR, THERE WASN'T.

4                   CHAIRMAN FRAZEE:   AND THAT WAS THE  
5                   AGREEMENT WITH THE UNIVERSITY WAS BUILDING UP A  
6                   NO-SOIL SITUATION AND ADDING VEGETATIVE MATTER TO  
7                   IT TO BUILD THAT SOIL.   THERE WAS NO INTENT TO  
8                   OPERATE A VERMICULTURE OR COMPOSTING OPERATION.

9                   MR. DISNEY:   NO, SIR.   THERE'S NO  
10                  VERMICULTURE THERE.   AS I SAY, WE'RE ONLY DOING  
11                  WHAT THE STATE WANTS US TO DO.

12                  ORIGINALLY OVER 300 ACRES OF LAND  
13                  WERE TO BE AVAILABLE FOR THIS PROJECT.   BECAUSE OF  
14                  PROBLEMS WITH CONTRACTORS AND INFRASTRUCTURE,  
15                  BUILDING ROADS, PUTTING IN TUNNELS, WATER  
16                  SUPPLIES, ELECTRICITY, EVERYTHING, THINGS GOT  
17                  COMPACTED TOGETHER WHERE WE WEREN'T ABLE TO SPREAD  
18                  THE STUFF OUT.

19                  NOW THAT THE CONTRACTORS HAVE  
20                  FINALLY PULLED OFF SITE, WE ARE TRYING TO SPREAD  
21                  THE STUFF.   THE PROBLEM IS NOW WE HAVE TO  
22                  TRANSVERSE ROADS AND PARKING LOTS AND PARTS OF THE  
23                  UNIVERSITY, WHICH HAVE INCREASED OUR COST  
24                  DRAMATICALLY, AND WE'RE HAVING TO DO IT JUST AS  
25                  CASH FLOW ALLOWS US TO DO.   BY THE WAY, THIS IS



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1       TOTALLY FREE FOR THE UNIVERSITY THAT WE'RE  
DOING

2       THIS.

3                   CHAIRMAN FRAZEE:   SO YOUR REVENUE ON  
THE

4       SITE CAME FROM THE TIPPING FEE THAT WAS CHARGED

5       AND --

6                   MR. DISNEY:   YES, SIR.   THERE'S --  
SOME

7       OF THAT WAS DETERMINED ALSO BY THE STATE IN

8       COOPERATION WITH THE CITY OF SAN MARCOS.   FOR

9       INSTANCE, OUR AVERAGE TIPPING FEE WAS \$20 PER  
TON.

10      AND THIS IS AN ECONOMICALLY VIABLE PROJECT AT  
\$20

11      PER TON.   WHEN THE CITY OF SAN MARCOS ENTERED  
IN

12      AND SAID THAT WE WANT -- NO, THE UNIVERSITY OF

13      CALIFORNIA AT SAN MARCOS, THERE HAS NEVER BEEN  
A

14      BUILDING PERMIT TO BUILD THAT UNIVERSITY.

THERE'S

15      NEVER BEEN A PERMIT TO PUT A ROAD IN, TO PUT AN

16      ELECTRIC PLANT OR ANYTHING.   HOWEVER, FOR US TO  
DO

17 THE MULCHING OPERATION, IT WAS DECIDED THAT WE  
18 WOULD NEED A CONDITIONAL USE PERMIT EVEN THOUGH  
WE  
19 WERE ON THE CITY OF -- EVEN THOUGH WE WERE ON  
20 STATE LAND, BUT WE WERE WITHIN THE CITY OF SAN  
21 MARCOS.

22 THE CITY OF SAN MARCOS INSISTED  
THAT

23 THEY BE GIVEN A SPECIAL RATE, \$13.50 PER TON.  
AND

24 WE KEPT BEGGING THEM, PLEASE DON'T BRING YOUR  
25 STUFF IN PLASTIC BAGS. IT CREATES EXCESSIVE  
MESS,

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1        CREATES ALL THAT MUCH MORE TO CLEAN UP, IT'S  
2        SLOWING THE PROJECT DOWN, BUT THIS FELL ON DEAF  
3        EARS. AND ACTUALLY BECAUSE OF THAT, IT DID  
4        SHORTEN THE LIFE OF THE PROJECT.

5                CHAIRMAN FRAZEE: LET'S GO TO YOUR  
6        TIUJUANA RIVER VALLEY AND YOU SHOWED THE  
7        TWO-TIERED DIAGRAM. YOU ARE SUGGESTING THAT  
8        YOU'RE ACTUALLY PERFORMING TWO DIFFERENT  
9        OPERATIONS.

10              MR. DISNEY: YES, SIR, WE ARE.

11              CHAIRMAN FRAZEE: AND THE MATERIAL FOR  
12        APPLYING TO SOIL ON SITE, YOU'VE USED THE TERM  
13        "COMPOSTING," AND I'M WONDERING WHY THAT ACTIVITY,  
14        YOU FEEL, IS EXCLUDED FROM COMPOSTING REGULATIONS.

15              MR. DISNEY: IT'S ENTIRELY USED IN OUR  
16        AGRICULTURAL OPERATION. WE SELL NONE, WE GIVE  
17        NONE AWAY. WE USE A HUNDRED PERCENT OF THAT  
18        MATERIAL --

19              CHAIRMAN FRAZEE: ON SITE.

20              MR. DISNEY: -- ON SITE. IT'S NO  
21        DIFFERENT FROM UKIGAWAS AND HARRY SING TAKING HIS  
22        TOMATOES AND DUMPING THEM ON A THING AND THEN  
23        THROWING THEM INTO THE GROUND FOR BENEFIT.

24              CHAIRMAN FRAZEE: YOU ARE TALKING ABOUT  
25        SOME FRIENDS OF MINE.



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1                   LET ME ASK STAFF A QUESTION OF  
2   AGRICULTURAL EXCLUSION. DOES THIS FIT THAT TEST?

3                   MR. LARIMORE: I BELIEVE THAT THEY'RE  
4   USING GREEN MATERIAL IN THIS CASE, AND IT'S NOT AN  
5   AGRICULTURAL COMMODITY, THAT THEY COULD BE SUBJECT  
6   TO THE REGS; IS THAT CORRECT, ELLIOT, IN SOME  
7   CASES?

8                   MR. BLOCK: UNFORTUNATELY I'M NOT  
9   FAMILIAR WITH THE PARTICULAR SITE, SO I CAN'T  
10  ANSWER THAT QUESTION.

11                  CHAIRMAN FRAZEE: BUT THE QUESTION IS  
12  THERE IS AN AGRICULTURE EXCLUSION IN THE REGS. IS  
13  THERE A LIMIT, FIRST OF ALL, FOR THE NUMBER OF  
14  TONS ON A GIVEN SITE; AND NO. 2, FOR MATERIAL  
15  BROUGHT AND TYPES OF MATERIAL?

16                  MR. BLOCK: BASICALLY THE EASIEST WAY IS  
17  JUST TO READ IT FOR YOU. IT'S SECTION  
18  17855(A)(2), AND IT SAYS, "AN ACTIVITY IS EXCLUDED  
19  IF IT COMPOSTS GREEN MATERIAL, ANIMAL MATERIAL  
20  DERIVED FROM AGRICULTURAL COMMODITIES, AND RETURNS  
21  A SIMILAR AMOUNT TO THE COMPOST PRODUCED TO THAT  
22  SAME AGRICULTURAL SOURCE OR AGRICULTURAL SOURCE  
23  OWNED OR LEASED BY THE OWNER, PARENT, SUBSIDIARY  
24  OF THE COMPOSTING ACTIVITY."

25                  CHAIRMAN FRAZEE: DERIVED FROM





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1        AGRICULTURAL.    AND THAT'S THE QUESTION.    SO I  
2        THINK, EVEN UNDER CURRENT REGS, AT LEAST MY  
3        LOOKING AT THIS, WOULD LEAD ME TO BELIEVE THAT YOU  
4        ARE REQUIRED UNDER CURRENT STATUTE TO HAVE A  
5        COMPOSTING PERMIT.

6                MR. DISNEY:    IT MIGHT VERY WELL BE THEN,  
7        SIR, THAT YOU ARE RIGHT, AND WHAT WE WOULD HAVE TO  
8        DO TO BECOME IMMEDIATELY IN COMPLIANCE IS NOT  
9        ALLOW ANY COMPOSTING TO OCCUR AND LAND APPLY THE  
10       STUFF THE MOMENT IT'S GROUND.

11               MEMBER RELIS:    I THOUGHT, FROM PICTURES I  
12       SAW IN THE TIUJUANA PART, IF I'M NOT MISTAKEN,  
13       THEY'RE NOT TRUCKS THAT ARE NOT AGRICULTURAL  
14       TRUCKS.    THEY'RE WASTE TRUCKS THAT DELIVER, AND  
15       THERE ARE MANY OF THEM, AND THEY'RE DELIVERING  
16       FREQUENTLY.    NOW IS THAT TRUE OR NOT TRUE?

17               MR. DISNEY:    YES, TRUCKS ARE DELIVERING.  
18       WE HAD A TEMPORARY SITE THAT -- ALSO WITHIN THE  
19       CITY OF SAN DIEGO APPROXIMATELY LESS THAN A MILE  
20       AWAY.    AND ON THAT SITE, IT WAS A 32-ACRE SITE  
21       THAT WAS OWNED BY THE U.S. NAVY.    THE NAVY AT  
22       FIRST GAVE BLESSING TO THIS AND THEN DECIDED,  
23       WELL, MAYBE WE DON'T WANT THIS.    SO WHAT WE DID  
24       IS  
24       WE SAID, "OKAY.    WE'LL MOVE THE STUFF BACK.

WHEN  
25 WE GET THIS OTHER SITE, WE'LL MOVE IT." IN  
FACT,

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1 WE DID. THOSE TRUCKS THAT YOU SEE THERE ARE NOT  
2 COMMERCIAL HAULER TRUCKS. THEY'RE WALKING FLOOR  
3 TRAILERS. THOSE ARE OUR PROPERTY.

4 MEMBER RELIS: DID YOU HAVE A CONTRACT  
5 TO -- DID YOU GET PAID LIKE A TIP FEE FOR THAT  
6 MATERIAL?

7 MR. DISNEY: NO, SIR.

8 MEMBER RELIS: NOT AT ALL?

9 MR. DISNEY: NO, SIR. WE MOVED IT FROM  
10 ONE AREA TO ANOTHER, AND THERE WAS -- THERE'S  
11 CERTAINLY NO MONEY INVOLVED THAT CHANGED HANDS ON  
12 THAT ONE.

13 MEMBER RELIS: WHEN IT GOT TO THE FIRST  
14 AREA.

15 CHAIRMAN FRAZEE: WHEN MATERIAL IS DUMPED  
16 ON YOUR SITE, YOU'RE GETTING A TIPPING FEE FOR  
17 THAT.

18 MR. DISNEY: IT WAS OUR INTENT AT THIS  
19 OTHER PLACE TO HAVE A VERMICULTURE OPERATION.  
20 HOWEVER, IT BECAME APPARENT THAT THE POWERS TO BE  
21 DID NOT WANT THAT AT THAT PARTICULAR LOCATION,  
22 THAT IT WAS ACCEPTABLE TO THE CITY OF SAN DIEGO,  
23 WHO'S THE LOCAL ENFORCEMENT AGENCY AS TO CODES AND  
24 EVERYTHING, THAT IF WE MOVED TO THIS 200-ACRE  
25 SITE, THAT IT WOULD BE ACCEPTABLE. THERE ARE



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1 CERTAIN CRITERIA THAT THEY PUT ON US, SEVEN TO  
2 FIVE, USE MONUMENT ROAD, USE A DIFFERENT ROAD AS  
3 AN ACCESS, THESE THINGS, AND WE COMPLIED. WE  
4 MOVED THE MATERIAL OFF THE FIRST SITE AND OVER TO  
5 THE SECOND SITE.

6 CHAIRMAN FRAZEE: THE -- YOU KNOW, I  
7 THINK YOUR COMING PROVIDING THIS TESTIMONY FOR US  
8 HAS BEEN VERY HELPFUL, AND THERE ARE SOME  
9 QUESTIONS THAT HAVE COME UP WITH PARTICULARLY THE  
10 VERMICULTURE EXCLUSION. AND NOT CASTING ANY  
11 ASPERSIONS ON YOUR OPERATION OR ANYONE ELSE'S  
12 OPERATION, BUT THE CONCERN HAS BEEN RAISED  
13 BECAUSE, AS WRITTEN IN THE EXCLUSION, VERMICULTURE  
14 IS ONE OF THE EXCLUDED ACTIVITIES. IS THAT MERELY  
15 BEING USED AS A WAY OF AVOIDING REGULATION TO SAY  
16 ULTIMATELY WE'RE GOING TO DO, AND THAT'S REALLY IN  
17 A NUTSHELL WHAT THIS WHOLE DISCUSSION IS ALL  
18 ABOUT.

19 MR. DISNEY: IN ANSWER TO THAT QUESTION,  
20 SIR, WE HAVE OVER A HUNDRED THOUSAND DOLLARS WORTH  
21 OF WORMS. WE HAVE OVER 20,000 POUNDS ON THE  
22 GROUND TODAY. THAT IS NOT AN ATTEMPT TO AVOID  
23 REGULATION.

24 CHAIRMAN FRAZEE: SO YOU'RE PRODUCING  
25 MATERIAL FOR SALE THEN?









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1       MAIN, THEY SAY THAT WE'RE STEALING THEIR WATER  
2       WHEN, IN FACT, THEY'VE GOT OUR WATER METER AND OUR  
3       MAIN. SO WE'VE HAD ELECTRICAL PROBLEMS, WATER  
4       PROBLEMS, AND STUFF LIKE THAT THAT IN THE COURSE  
5       OF EVENTS HAVE NOW BEEN SOLVED, WHICH, YOU KNOW,  
6       WHAT ALL THAT DID WAS PUT US BEHIND. WHEN THE  
7       REGULATORY AGENCIES THAT YOU'RE DEALING WITH, OR,  
8       YOU KNOW, IN THIS CASE THE CITY OF SAN DIEGO PUT  
9       ROADBLOCKS IN YOUR WAY, YOU HAVE TO COMPLY, AS WE  
10      HAVE TO COMPLY TO YOU TOO, SIR.

11               CHAIRMAN FRAZEE: ONE FINAL QUESTION. IS  
12      THE HOLIDAY SEASON A GOOD TIME TO VISIT YOUR  
13      FACILITY?

14               MR. DISNEY: ABSOLUTELY ANY TIME. THE  
15      WORMS ARE STILL GOING TO BE THERE. WE DON'T GET  
16      MANY DAYS OFF YET.

17               CHAIRMAN FRAZEE: I'LL BE DOWN DURING  
18      CHRISTMAS WEEK, NOT ON CHRISTMAS DAY. THANK YOU  
19      VERY MUCH.

20               ALSO, MR. ROACH IS ALSO FROM YOUR  
21      FIRM, I BELIEVE; IS THAT CORRECT?

22               MR. ROACH: MR. CHAIRMAN, MEMBERS OF  
THE  
23      BOARD, MY NAME IS DERRICK ROACH WITH DISNEY  
24      ENTERPRISES. WE OPERATE AT 2600 HOLLISTER

STREET  
25 IN SAN DIEGO.

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1 I BELIEVE MR. DISNEY DID ADDRESS  
2 MOST OF THE THINGS THAT I WANTED TO SPEAK TO  
3 TODAY. AND SO IN THE INTEREST OF TIME, AND I'VE  
4 NOTICED OVER THE COURSE OF THE DAY THAT PEOPLE'S  
5 EYELIDS HAVE KIND OF GOTTEN HEAVY AND THINGS, IT'S  
6 NOT MY INTENT TO OPEN A CAN OF WORMS, SO I'LL TRY  
7 NOT TO.

8 I THINK -- I BELIEVE IN SIMPLE  
9 SOLUTIONS, AND I DO THINK THERE IS A SIMPLE  
10 SOLUTION TO THIS. AS KEN CALVERT MENTIONED, HE  
11 WISHED TO HAVE THE EXCLUSIONS REVISITED TO SEE  
12 PERHAPS IF SOME CHANGES SHOULD BE MADE. I THINK  
13 THAT, BASED UPON OUR OPERATION AS IT IS TODAY,  
14 THAT WE WOULD AGREE WITH THAT. SIMPLY BASED UPON  
15 THAT WE WOULD LIKE TO HAVE A MORE CONCISE  
16 DEFINITION OF WHAT IS VERMICULTURE.

17 WE HAVE OTHER OPERATIONS IN THE  
18 COUNTY, AND I'VE HEARD OF OTHER OPERATIONS  
19 THROUGHOUT THE STATE THAT HAVE LEFT A BAD TASTE IN  
20 THE MOUTH OF THE LOCAL LEA'S AND THE DIFFERENT  
21 PEOPLE INVOLVED SIMPLY BECAUSE THERE ARE PEOPLE  
22 THAT WALK OUT WITH TUPPERWARE CONTAINERS OF  
WORMS  
23 AND YET THEY HAVE THESE HUGE MOUNTAINS OF GREEN  
24 WASTE. SO I WOULD LIKE TO ENCOURAGE THE BOARD

TO  
25 TAKE AND CONSIDER THAT REQUEST.

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1                   ALSO, I BELIEVE I DID LEAD MR.  
2       DISNEY ASTRAY A LITTLE BIT. I THINK HE BELIEVES  
3       THAT MR. RELIS WAS THE ONE THAT VISITED OUR SITE  
4       WHEN IT WAS ACTUALLY SOME OF HIS STAFF. MR.  
5       FITZGERALD, AND WE'D LIKE TO INVITE THEM ALL BACK.  
6       THANK YOU.

7                   CHAIRMAN FRAZEE: WE'LL DO THAT. THANK  
8       YOU. BARRY MEIJER FROM PACIFIC SOUTHWEST FARMS.

9                   MR. MEIJER: GOOD AFTERNOON, SIR. THANKS  
10      FOR LETTING ME TALK. I JUST WANTED TO QUESTION,  
11      SIR, IN 17856, ITEM C, DOESN'T THAT GIVE THEM AN  
12      EXCLUSION TO USE GREEN MATERIAL?

13                  CHAIRMAN FRAZEE: IMPORTED GREEN WASTE?

14                  MR. MEIJER: YES, SIR.

15                  CHAIRMAN FRAZEE: ARE YOU HEARING HIS  
16      QUESTION? ON THE QUESTION OF AGRICULTURE  
17      EXCLUSION.

18                  MR. MEIJER: SECTION 17856(C), DOESN'T  
19      THAT GIVE THEM AN EXCLUSION FOR GREEN MATERIAL AS  
20      WELL?

21                  MR. BLOCK: 17856 SUBJECTS THOSE  
22      OPERATIONS TO THE NOTIFICATION TIER, SO THEY'RE  
23      NOT EXCLUDED.

24                  MR. MEIJER: I MADE A MISTAKE. THEY NEED  
25      TO NOTIFY.









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1        TONS OF WORMS.    TODAY WE HAVE BETWEEN TWO AND 300  
2        TONS OF WORMS.    WE FEED APPROXIMATELY 800 TONS OF  
3        MATERIAL EVERY WEEK AT OUR FACILITY.    WE OBVIOUSLY  
4        WATER ON A DAILY BASIS.    WE DERIVE OUR WATER FROM  
5        TWO SOURCES, ONE BEING DAIRY BARN WASH WATER.  
6        SECOND SOURCE IS WE'VE TAPPED INTO THE LOCAL  
7        GUTTER WHICH HAS CONTINUOUS FLOW, WHICH PROVIDES  
8        US WITH ABOUT 120,000 GALLONS OF WATER A DAY OUT  
9        OF THE STREET THAT WE PUMP OUT ONTO THE WORMS.  
10       THAT'S OUR MAIN SOURCE FOR WATERING OUR WORMS.  
11       THE DAIRY BARN WASH WATER WE PUT OUT TO THE FRESH  
12       MATERIAL IN ORDER TO START DECOMPOSING.

13                        IT NEEDS TO BE UNDERSTOOD THAT WORMS  
14       DO NOT EAT FRESH MATERIAL.    THEY EAT DECOMPOSING  
15       MATERIAL.    AND I THINK THAT'S ESSENTIAL TO  
16       UNDERSTAND.    IN OUR OPERATION WE TRY TO RUN IT  
17       JUST LIKE ANY COMPOSTING OPERATION.    WE DO TESTING  
18       ONCE A MONTH WITH VARIOUS MATERIAL BECAUSE WE  
19       HANDLE THE MATERIAL, PEOPLE HANDLE THE MATERIAL,  
20       AND NOBODY REALLY PARTICULARLY WANTS TO GET SICK  
21       FROM THE MATERIAL.

22                        WE HAVE AN OPERATIONS MANUAL.    IT'S  
23       VERY SIMILAR.    WE HAVE RECORDKEEPING VERY SIMILAR  
24       TO A COMPOSTING OPERATION.    AS FAR AS PERMITTING  
25       IS CONCERNED, WE FELT THAT THE LAND USE ISSUES



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1       ALLOWED US TO BE WITHIN THE DAIRY PRESERVE.   THE  
2       COUNTY CAME BACK TO US AND ASKED US TO APPLY FOR A  
3       CONDITIONAL USE PERMIT BASED ON THE LONGEVITY OF  
4       OUR PROJECT.   AS YOU KNOW, THE DAIRY PRESERVE IS  
5       BEING PHASED OUT.

6                       WE MIX INTO OUR MATERIALS A MIXTURE  
7       OF MATERIALS.   IT COMES TO US -- I WOULD LIKE YOU  
8       TO TAKE A LOOK AT THESE MATERIALS AND ASK  
9       QUESTIONS ABOUT THEM.   WE MIX NOT ONLY MATERIAL  
10      LIKE THAT, BUT WE ARE ALSO MIXING TEA LEAVES AND  
11      OTHER AGRICULTURAL COMMODITIES THAT WE GET  
12      LOCALLY.   WE ALSO USE DAIRY MANURE IN THIS  
13      MATERIAL.

14                    MEMBER RELIS:   PUNGENT, I WOULD SAY.

15                    MR. MEIJER:   THAT'S PART OF THE BUSINESS.  
16      YOU'RE SMELLING MONEY.

17                       WE HAVE AT ANY GIVEN TIME IN  
18      STOCKPILES, EXCLUDING OUR WORM BEDS, WE HAVE  
19      BETWEEN 40 AND 50,000 TONS OF MATERIAL AT ANY  
20      GIVEN TIME AT OUR FACILITY.   WE OBVIOUSLY SUFFER  
21      THE TYPICAL PROBLEMS OF ANY FACILITY.   WE HAVE  
22      BLOWING PLASTIC.   DEALING WITH MATERIAL THAT'S  
23      NONDECOMPOSABLE.   THE MATERIAL -- I SHOULD  
24      SPECIFY.   OUR MATERIAL COMES FROM THREE MRF'S.  
25      THESE THREE FACILITIES TRY TO CLEAN THE MATERIAL,







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1 LANDLORD, FILED FOR BANKRUPTCY PROTECTION SO THAT  
2 WE COULDN'T CANCEL THE CONTRACTS WITH HIM AND TAKE  
3 THE FACILITY ELSEWHERE. WE ASKED THE BANKRUPTCY  
4 COURT TO APPOINT A TRUSTEE, AND THE HAULER  
5 IMMEDIATELY WENT TO EACH OF OUR WASTE HAULERS AND  
6 SAID, "WE'D LIKE TO TAKE OVER THE CONTRACTS AND  
7 HAVE YOU NULLIFY THEM WITH THE EXISTING OPERATOR."

8 THE BANKRUPTCY COURT AGREED WITH US  
9 AND APPOINTED A TRUSTEE. THE TRUSTEE TOOK OVER  
10 THE MANAGEMENT OF THE PROPERTY AS WELL AS THE  
11 TRUCKING OPERATION; AND, OF COURSE, THAT STAYED US  
12 CANCELING ANY CONTRACTS WITH THE LANDLORD OR THE  
13 HAULER.

14 IN APPROXIMATELY THE MIDDLE OF  
15 OCTOBER, A DISPUTE AROSE BETWEEN THE OWNER OF THE  
16 TRUCKS AND THE TRUSTEE, AND HE SEIZED ALL THE  
17 TRUCKS WHILE THE TRUSTEE WAS ON VACATION. ON THE  
18 21ST OF OCTOBER, WE HAD A DEVASTATING FIRE IN THE  
19 MATERIAL THAT I CALL OVERS THAT'S ON YOUR DESK.  
20 WE HAD APPROXIMATELY 50 LOADS OF OVERS SITTING ON  
21 THE FACILITY. THEY BLEW ACROSS THE PROPERTY OFF  
22 THE SITE, AND WE HAD 60-MILE-AN HOUR SANTA ANA  
23 WINDS, WENT INTO A HAY BARN, BURNT DOWN A HAY  
24 BARN, A HOUSE, CROSSED THE STREET AND BURNT

DOWN A

25       ROW OF HAY TO THE TOTAL -- I MEAN JUST IT WAS

217



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1 TOTAL CHAOS TO BE HONEST WITH YOU.

2 OUR INSTINCT, AS WELL AS THE FIRE  
3 DEPARTMENT'S INSTINCT, WAS TO PUT WATER ON THE  
4 FIRE, WHICH IN RETROSPECT, AND WE BEAT OURSELVES  
5 UP ABOUT IT EVERY DAY, WAS A TOTAL MISTAKE.  
6 ALTHOUGH WE HAVE APPROXIMATELY ONE AND A HALF  
7 GALLONS OF WATER AT ANY TIME ON THE FACILITY, THE  
8 60-MILE-AN-HOUR WINDS, THERE WAS JUST NO WAY WE  
9 COULD CONTROL THE FIRE.

10 WE EVENTUALLY JUST TOOK EVERY FRONT  
11 END LOADER WE HAD AND SMOTHERED THE FIRE. IT  
12 WASN'T A PARTICULARLY BIG AREA THAT WAS ON FIRE.  
13 AND THEN ONCE WE HAD THE BLOWING UNDER CONTROL, WE  
14 COULD IN A TIMELY MANNER PUT THE FIRE OUT. AT  
15 THAT POINT WE WENT BACK TO THE TRUSTEE, AND HE  
16 THEN GAVE US CONTROL OF THE TRUCKING OPERATIONS.  
17 WE'VE WORKED THESE PROBLEMS INTO CONTROL.

18 BECAUSE OF THE PASSAGE OF AB 59, OUR  
19 WASTE HAULERS WERE EXTREMELY CONCERNED WITH WHERE  
20 WE STOOD AS FAR AS PERMITTING WAS CONCERNED. WHAT  
21 DID THE CALIFORNIA INTEGRATED WASTE MANAGEMENT  
22 BOARD REQUIRE FROM US? AND I SAID, YOU KNOW, THE  
23 WAY I READ IT, WE'RE EXCLUDED FROM PERMITTING, BUT  
24 WE'RE NOT EXCLUDED FROM REGULATIONS. WE HAVE  
25 NUMEROUS VISITS FROM THE LEA THERE THROUGH THE



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1       YEAR FROM THE INCEPTION OF THE PROJECT.

2                       SIR, YOU VISITED MY FACILITY RIGHT  
3       AFTER YOU CAME ON BOARD.   AND I FELT THAT WE WERE  
4       EXCLUDED AS FAR AS PERMITTING IS CONCERNED.   THIS  
5       WAS NOT SUFFICIENT FOR THE WASTE HAULERS.   WE  
6       WROTE A LETTER TO THE BOARD ASKING FOR SOME  
7       ADVICE.

8                       UNFORTUNATELY I FEEL THERE WAS A LOT  
9       OF AMBIGUITY IN THE LETTER WE GOT BACK, AND THIS  
10      HAS CAUSED US, OBVIOUSLY, SOME FINANCIAL HARM IN  
11      THAT OUR WASTE HAULERS FEEL THERE'S NOT ENOUGH OF  
12      A DIRECTIVE FOR THEM TO UNDERSTAND.   WHERE DO THEY  
13      STAND?   ARE THEY SENDING MATERIAL TO A PERMANENT  
14      FACILITY, OR ARE WE A NONPERMITTED FACILITY AS FAR  
15      AS THE LEA IS CONCERNED?   AND I THINK THIS IS ONE  
16      OF THE ISSUES WE'D LIKE TO ADDRESS.

17                      IN THE WASTESTREAM THAT WE RECEIVE,  
18      IT IS INEVITABLE FROM THE STEER MANURE THAT WE  
19      RECEIVE FROM THE DAIRY FARMERS, EVERY NOW AND THEN  
20      WE FIND A SYRINGE NEEDLE.   SOMEBODY DOCTORS A COW  
21      AND LEAVES THE NEEDLE IN THE PILE AND WE RECEIVE  
22      THE NEEDLE.   IN TERMS OF THE -- BECAUSE OF THE  
23      MATERIALS BEING PROCESSED AT A MRF, WE FREQUENTLY  
24      RECEIVE NEEDLES THAT ARE USED BY -- I DON'T KNOW  
25      THAT IT'S DRUG ADDICTS, BUT IT'S MOSTLY PROBABLY



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1       DIABETIC PEOPLE.  THIS IS NOT, AS I UNDERSTAND  
2       FROM THE LEA, A BIO- -- SOMETHING THAT HAS TO BE  
3       DISPOSED OF IN A SPECIAL WAY.

4                       DIABETICS CAN JUST PUT THEIR NEEDLES  
5       IN THE TRASH, AND WE SOMETIMES DO GET THESE.  
6       OBVIOUSLY WE JUST PICK THOSE UP, AND I THINK I  
7       BROUGHT A SAMPLE OF ONE.  AND I HAD TO REALLY LOOK  
8       FOR ONE THIS WEEK.  NORMALLY I CAN WALK BY THE  
9       PILE AND SAY, "OH, THERE'S ONE," BUT IT TOOK ME A  
10      LITTLE BIT OF WHILE.  JUST WHEN YOU NEED  
11      SOMETHING, YOU CAN'T FIND IT.

12                     I THINK THAT THERE'S A REAL FUTURE  
13      FOR WORMS AS A HELP IN RECYCLING OF MATERIAL.  
14      WE'RE NOT THE TOTAL ANSWER, AND I'M NOT TRYING TO  
15      SELL YOU ON THAT.  WE'RE A SMALL PART OF THE  
16      ANSWER.  THE LARGE COMPOSTING FACILITIES WILL  
17      ALWAYS BE THE LARGE PERCENTAGE OF THE ANSWER IN MY  
18      OPINION.  WE CAN BE A SMALL PART OF THE ANSWER.

19                     I THINK THAT IN ORDER TO ACCOMPLISH  
20      THE GOALS WE'VE SET OURSELVES FOR THE YEAR 2000,  
21      WE'RE GOING TO HAVE TO HANDLE SOME MSW.  IT IS  
22      INEVITABLE THAT WE'RE GOING TO HAVE TO DO SOME OF  
23      THAT.  IN THE MATERIAL WE'RE CURRENTLY GETTING, WE  
24      CONTINUOUSLY FIND GLASS SHARDS.  IT'S BECOME A  
25      FACT OF LIFE.  THERE ARE WAYS OF REMOVING GLASS,



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1 GRINDING GLASS DOWN TO SAND AND REUSING IT. IT IS  
2 PART OF THE RECYCLING THAT WE IN THE STATE OF  
3 CALIFORNIA ARE GOING TO HAVE TO DO, AND I THINK  
4 THESE ISSUES NEED TO BE ADDRESSED.

5 AS FAR AS WHAT CAN WE TAKE, I MEAN  
6 RIGHT NOW I READ THE REGULATIONS THAT WE CAN TAKE  
7 SLUDGE, AND I DON'T THINK THAT ANY FACILITY SHOULD  
8 BE ENTITLED TO TAKE SLUDGE WITHOUT PROPER  
9 PERMITTING. THEREFORE, IT IS IMPERATIVE THAT THE  
10 REGULATIONS OR THAT WORM FARMING BECOMES MORE  
11 SCRUTINIZED AND THERE BE A BETTER UNDERSTANDING OF  
12 WHAT IS REQUIRED. I THINK THAT WHEN THE LEA COMES  
13 OUT TO A SITE AND FINDS THE SITE HAS TEN WORM  
14 BEDS, NO ABILITY TO WATER THE WORMS, AND HALF A  
15 MILE OF GREEN WASTE STOCKPILED, YOU ARE NOT A WORM  
16 FACILITY. YOU ARE A LANDFILL. AND I THINK THAT  
17 THAT NEEDS TO BE CLARIFIED.

18 I MEAN WE NEED TO WRITE -- MR.  
19 O'RULLIAN, IF YOU DON'T MIND I SAY THIS, I THINK  
20 WHAT WE NEED IS A MANUAL OF GOOD PRACTICE,  
21 SOMETHING WRITTEN SIMILAR TO WHAT YOU WROTE FOR  
22 COMPOSTERS. YOU WILL BRING THE MATERIAL IN,  
23 YOU'LL DO THIS AND DO THAT, AND I THINK THAT THAT  
24 WOULD BE VERY WORKABLE NOT ONLY FOR US FOR BUT  
25 ALSO FOR THE LEA'S.





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1                   AS FAR AS SELLING THE PRODUCTS,  
2       THERE HAS TO BE TESTING OF THE PRODUCT BEFORE IT'S  
3       SOLD, I BELIEVE.   THERE HAS TO BE MANDATORY  
4       TESTING IN ORDER TO ESTABLISH A STANDARD.   WE'VE  
5       WORKED TOWARDS THE QCC -- IS THAT THE RIGHT TERM,  
6       I BELIEVE -- TO ESTABLISH CERTAIN STANDARDS.   I  
7       THINK THAT NEEDS TO BE WORKED ON FURTHER.   WE  
8       HAVEN'T ACTUALLY HEARD FROM THEM, AND I THINK WE  
9       WERE ONE OF THE FIRST PEOPLE TO PAY OUR FEES.   WE  
10      FEEL THAT'S IMPORTANT TO HAVE THAT STANDARD SET.

11                  AS FAR AS SOLUTIONS ARE CONCERNED, I  
12      BELIEVE WE NEED TO CLEARLY DEFINE WHAT IS A WORM  
13      FARM GOING TO LOOK LIKE.   YOU KNOW, I COULD NOT  
14      HAVE STARTED THIS WORM FARM BY FEEDING EVERY BIT  
15      OF TRASH THAT I BRING IN BECAUSE THE PROBLEM I  
16      HAVE IS THAT THERE ARE NO CONTRACTS OUT THERE  
WITH

17      THE WASTE HAULER WHO SAYS, "YES, I KNOW YOU HAVE  
18      ABOUT HALF A TON OF WORMS.   HERE'S A CONTRACT  
FOR

19      A HALF A TON OF MATERIAL.   I'M GOING TO TRUCK ON  
A

20      WALKING FLOOR OUT TO YOU 60 MILES SO THAT YOU  
CAN

21      PUT UP A WORM FARM."

22 I THINK THAT TRASH STREAMS COME IN  
23 CERTAIN VOLUMES; WASTE HAULERS HAVE CERTAIN  
24 VOLUMES. AND IN ORDER TO BE ABLE TO GET INTO  
THAT  
25 MARKET, WE TOOK CLEARLY MORE MATERIAL THAN WHAT  
WE

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1        COULD FEED TO WORMS.  TODAY THE REVERSE IS TRUE.  
2        WE'RE FEEDING SIGNIFICANTLY MORE.  AND I THINK  
3        THAT THERE NEEDS TO BE AN ESTABLISHMENT OF SOME  
4        SORT OF SYSTEM BY WHICH THAT CAN BE REGULATED SO  
5        THAT SOMEBODY DOESN'T SHOW UP AT YOUR SITE AND  
6        SAY, "WELL, YOU'RE RUNNING AT 11 WORM BEDS AND  
7        YOU'RE GETTING IN 50 TONS A DAY.  THIS IS NOT  
8        GOING TO WORK."

9                    I MEAN, SIR, WHEN YOU VISITED ME, I  
10       HAD, I THINK, 36 BEDS.  WE NOW HAVE 200 BEDS AND  
11       WE'RE BUSY MAKING AN ADDITIONAL 50 BEDS THIS  
12       MONTH.  AND I THINK BY THE END OF NEXT YEAR WE'LL  
13       BE UP TO 800 BEDS.

14                   THAT BRINGS ME TO THE FOLLOWING  
15       PROBLEM, AND I THINK THAT REALLY PERTAINS TO YOU.  
16       SIR, THE WORMS DO NOT EAT FRESH MATERIAL.  I  
17       CANNOT BRING PAPER OUT THERE AND PUT IT ON THE  
18       WORM BED.  IT DOESN'T TAKE WATER, NO. 1, AND,  
19       SECONDLY, THE WORMS TAKE A LONG TIME MOVING INTO  
20       IT.  IT HAS TO BE PRECOMPOSTED.

21                   AND I THINK THERE HAS TO BE SOME  
22       PROCESSING ALLOWED TO THE MATERIAL, I.E.,  
23       SCREENING THE MATERIAL, SO THAT IT'S A CERTAIN  
24       SIZE SO THAT I CAN FEED IT TO MY WORMS.  AT THIS  
25       TIME THE LEA HAS ASKED ME TO GET A SOLID WASTE



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1        FACILITIES PERMIT BECAUSE I AM COMPOSTING AND  
2        SCREENING THE MATERIAL. AND I THINK THAT TO SOME  
3        EXTENT I AGREE, ALTHOUGH THE WAY THE REGULATIONS,  
4        I FEEL, ARE WRITTEN, I'M EXCLUDED FROM THE PERMIT,  
5        BUT I HAVE TO COMPLY WITH REGULATIONS, AND I  
6        BELIEVE THAT IS WHERE WE STAND.

7                        THERE NEEDS TO BE A TIERED PERMIT  
8        SYSTEM FOR WORM FARMERS AS WELL. THERE ARE WORM  
9        FARMERS WHO ARE USING JUST AGRICULTURAL BY-  
10       PRODUCTS; I.E., STEER MANURE. I THINK THOSE  
11       PEOPLE SHOULD BE ON A DIFFERENT LEVEL AS THEY ARE  
12       REALLY AGRICULTURE. THEY TAKE THE WORMS; THEY  
13       SELL THE WORMS FOR A LIVING. ALTHOUGH, YES, WE  
14       ARE PREPARED TO SELL WORMS AND CASTINGS, OUR MAJOR  
15       SOURCE OF INCOME WILL ALWAYS BE TIPPING FEES.  
16       THAT, I THINK, MAKES US A RECYCLING BUSINESS  
17       RATHER THAN AN AGRICULTURAL OPERATION, AND WE  
18       SHOULD BE PERMITTED ACCORDINGLY.

19                        THERE ARE ALSO SITUATIONS WHERE  
20       THERE ARE PEOPLE WHO ARE WORM FARMING IN THEIR  
21       BACKYARDS AND SMALL FACILITIES. THOSE SHOULD  
22       OBVIOUSLY BE EXCLUDED. AND I THINK THOSE NEED  
23       TO  
24       BE IDENTIFIED IN THE NEW REGULATIONS. OKAY.

24                        THERE ALSO, I THINK, NEEDS TO BE,

IF  
25 POSSIBLE, SOME FUNDING FOR RESEARCH. MOST OF  
THE

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1 RESEARCH THAT I AND MY STAFF RELY ON IS DONE BY  
2 OHIO STATE. AND WE PAID THE GENTLEMAN FROM OHIO  
3 STATE TO VISIT MY FACILITY, AND HE LOOKED AT MY  
4 400 WORM BEDS AND HE SAYS, "WHY DON'T YOU COVER  
5 THEM EVERY DAY?" YOU KNOW, I SAID, "WHAT AM I  
6 PAYING FOR HERE?" YOU KNOW, WE NEED SOME REAL,  
7 PRACTICAL EXPERIENCED PEOPLE AND THAT HAS TO BE  
8 DONE LOCALLY.

9 I UNDERSTAND THERE ARE A LOT OF  
10 UNIVERSITIES THAT HAVE SMALL WORM BEDS, SMALL  
11 PROJECTS. CAL POLY POMONA IS AN EXAMPLE. WE  
WORK  
12 WITH THEM ALL THE TIME. I DON'T THINK THAT A  
13 PROJECT OF THAT SIZE IS SUFFICIENT ENOUGH FOR US  
14 TO BE ABLE TO ESTABLISH GUIDELINES ON HOW  
15 FACILITIES NEED TO LOOK.

16 I JUST WANT TO BRING THIS POINT  
THAT  
17 IS IMPORTANT SO THAT WE DON'T HAVE A PROBLEM  
WITH  
18 THE AG DEPARTMENT ON THIS. OBVIOUSLY WE ARE  
19 CONSIDERED AN AGRICULTURAL ENTERPRISE UNDER THE  
20 CODE FOR CALIFORNIA DEPARTMENT OF AGRICULTURE,  
AND  
21 THEY DO TAKE NUMBERS FROM US ON HOW MANY WORMS

WE

22 HAVE, HOW MUCH CASTINGS AS THEY WANT THAT

23 BUSINESS. AND I THINK THERE'S GOING TO HAVE TO

BE

24 WORKING WITH THEM AS WELL.

25 ONE OF THE THINGS TO REMEMBER IN

THE



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1        DAIRY PRESERVE IS THAT THE FARMERS, IN ORDER TO  
2        KEEP THEIR FEEDING COSTS LOW ON THEIR DAIRY COW,  
3        FEED LAURA SCUDDER POTATOES, THEY FEED TOMATOES,  
4        THEY FEED ORANGES, THEY FEED CARROTS, LETTUCE,  
ALL  
5        KINDS OF MIXED VEGETABLES THAT COME BACK FROM  
THE  
6        GROCERY STORES THAT HAVE -- IF THE TEMPERATURE  
IS  
7        NOT QUITE RIGHT, THE VEGETABLES HAVE TO BE  
8        DISCARDED AND THE FARMERS LIKE GETTING THAT.  
9        ALMOND HULLS ARE USED EXTENSIVELY. YES,  
ALTHOUGH  
10       THEY PAY FOR THEM, THAT WAS A TRASH AT ONE POINT  
11       IN TIME. THERE'S ALSO AN ISSUE OF BAKERY  
RESIDUE  
12       THAT IS EXTREMELY POPULAR WITH THE DAIRY  
FARMERS.  
13       SO WHATEVER REGULATIONS WE MAKE CANNOT IMPEDE ON  
14       REAL AGRICULTURE AS FAR AS THAT IS CONCERNED.  
15                                OBVIOUSLY THEY HAVE THE SAME  
VECTOR  
16       PROBLEMS. YOU KNOW, THERE'S NOTHING THAT  
ATTRACTS  
17       FLIES LIKE FRESH VEGETABLES ON A WORM BED. IT

IS

18       A MAGNET FOR 50 MILES AROUND FOR EVERY FLY, AND

19       THIS IS A CONSTANT PROBLEM FOR THE DAIRY

FARMERS.

20       WE OBVIOUSLY HAVE VISITS FROM THE VECTOR CONTROL

21       PEOPLE AT ALL TIMES.

22                       IN CLOSING, I JUST WANT TO ASK

THAT

23       WE NEED CLEAR DIRECTION FROM THE BOARD AS TO HOW

24       TO PROCEED AS FAR AS PERMITTING IS CONCERNED.

THE

25       CLEARER IT IS FOR US AND THE LEA'S, I THINK WE  
CAN

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1 HAVE A SAFER ENVIRONMENT AND A BETTER WORKING  
2 RELATIONSHIP WITH STAFF. I FEEL THAT, YES, I'M  
3 SORRY THERE ARE THOSE OPERATIONS WHEN THE LEA'S  
4 SHOW UP TELL THEM, "LOOK, WE'RE EXCLUDED. WOULD  
5 YOU PLEASE LEAVE?" AND I DON'T BELIEVE THAT  
THAT

6 IS IN FACT THE CASE. THANK YOU VERY MUCH, SIR.

7 CHAIRMAN FRAZEE: THANK YOU. RICK  
BEST,

8 REPRESENTING INTERNATIONAL WORM GROWERS  
9 ASSOCIATION.

10 MR. BEST: THIS IS NOT RICK BEST FROM  
THE

11 CALIFORNIANS AGAINST WASTE. I ACTUALLY HAD THE  
12 OPPORTUNITY TO MEET HIM IN NEWPORT BEACH AWHILE  
13 BACK.

14 AGAIN, MY NAME IS RICK BEST WITH  
15 INTERNATIONAL WORM GROWERS ASSOCIATION. I AM  
THE

16 CHAIRMAN OF THE BOARD OF DIRECTORS, BUT I ALSO  
17 STAND IN FRONT OF YOU TODAY AS RICK BEST, A  
18 FORWARD LOOKING ENTREPRENEUR. I AM THE  
OPERATIONS

19 MANAGER AND LEAD CONSULTANT FOR SUBTERRA SOLU-  
20 TIONS, A COMPANY THAT DOES VERMICOMPOSTING AND

21       VERMICULTURE CONSULTING.

22                       I'D LIKE TO INITIALLY SPEAK WITH  
YOU

23       AS SOMEONE FROM THE IWGA.   I AM THANKFUL THAT  
THE

24       CIWMB IS FORWARD LOOKING INTO SOME OF THE  
PROBLEMS

25       THAT WE'RE HAVING RIGHT NOW.   STOCKPILING AND  
SITE

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1 ABANDONMENT, I SEE, AS A MAJOR PROBLEM TO ALL OF  
2 US AND ESPECIALLY TO THE LEA'S AND TO THE WASTE  
3 BOARD ITSELF. THERE ARE WAYS TO REMEDIATE THESE  
4 PROBLEMS SHORT OF REGULATIONS OR HEAVY-HANDED  
5 REGULATIONS.

6 I AM IN AGREEMENT WITH BARRY MEIJER  
7 THAT A NOTIFICATION TIER OR POSSIBLY A SEPARATE  
8 TIER FOR VERMICOMPOSTING COULD BE VERY VIABLE AND  
9 NOT OVERBURDEN BOTH YOURSELVES, THE LEA'S, AND US  
10 ENTREPRENEURS TRYING TO MAKE A LIVING WITH  
11 REGULATIONS.

12 I DO ENCOURAGE STRICT ENFORCEMENT ON  
13 SITES THAT AREN'T IN COMPLIANCE. I HAVE SEEN SOME  
14 OF THE PICTURES. I SPOKE ALSO AT THE SANBAG  
15 WORKSHOP AND MET BYRON FITZGERALD WHO AGAIN HAVE  
16 INVITED HERE TODAY. I DO BELIEVE IN STRICT  
17 ENFORCEMENT OF THE SITES THAT ARE NOT IN  
18 COMPLIANCE, AND I HAVE SEEN THE SAME PICTURES THAT  
19 YOU HAVE SEEN OF SOME SITES THAT WOULD LIKE TO  
20 CONSIDER THEMSELVES AS VERMICULTURE, VERMI-  
21 COMPOSTING OPERATIONS, WHEN, IN FACT, DON'T HAVE  
22 THE BASIC CRITERIA TO PERFORM THE FUNCTION OF  
23 THOSE FACILITIES.

24 I ALSO ENCOURAGE A BEST PRACTICES  
25 MANUAL. AS WE GET FARTHER ALONG IN THIS  
PROCESS



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1 OF DEVELOPING AND DEFINING GOOD DEFINITIONS OF  
2 VERMICULTURE AND VERMICOMPOSTING, I ALSO WOULD  
3 ENCOURAGE A BEST PRACTICES MANUAL SIMILAR TO THE  
4 BEST PRACTICES MANUAL PUT OUT BY THE COMPOSTING  
5 COUNCIL.

6 ONGOING TESTING BOTH OF INCOMING  
7 FEEDSTOCKS AND OUTGOING PRODUCT IS A VERY REAL  
8 CONCERN, AND I THINK THAT THAT IS SOMETHING THAT  
9 SHOULD BE ADDRESSED IN UPCOMING TALKS AND  
10 WORKSHOPS. AND I ALSO AGREE WITH BARRY IN THAT I  
11 WOULD LIKE TO SEE MORE FUNDING, PREFERABLY BY THE  
12 CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD, FOR  
13 RESEARCH AND DEVELOPMENT OF THESE PARTICULAR  
14 PROCESSES AND EDUCATION. AND THAT WAS IT. ANY  
15 QUESTIONS?

16 CHAIRMAN FRAZEE: QUESTIONS? IF NOT,  
17 THANK YOU. EVAN EDGAR.

18 MR. EDGAR: GOOD AFTERNOON. MY NAME IS  
19 EVAN EDGAR FROM THE CALIFORNIA REFUSE REMOVAL  
20 COUNCIL. I'M THEIR ENGINEER. I REPRESENT THE  
21 PRIVATE INDEPENDENT SOLID WASTE COMPANIES OF  
22 CALIFORNIA AND 13 PERMITTED COMPOST FACILITIES  
23 STATEWIDE. AND TODAY, WELL, THIS MONTH YOU  
WILL  
24 BE CONCURRING IN ANOTHER PERMITTED COMPOST

25        FACILITY DOWN IN RICHMOND.

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1 WE'VE BEEN AT THIS SINCE BEFORE  
2 1990; AND SINCE 1993, I'VE BEEN ON THIS ISSUE.  
3 AND OVER THE LAST THREE YEARS, I THINK THE COMPOST  
4 INDUSTRY CAME A LONG WAY. WE'RE STRONGER, WE'RE  
5 TOUGHER, WE'RE SMARTER, AND WE'RE FASTER, BUT  
6 TODAY WE'RE BACK WITH THE SAME ISSUE. MORE TONS  
7 AND NO ENFORCEMENT, AND THAT'S CRUX OF THE ISSUE.

8 THE BIGGEST CRUX IS THAT WE HAVE  
9 MORE TONS. IF YOU LOOK AT THE BIG PICTURE OF  
10 COMPOSTING, GET THE BIG PICTURE OF URBAN GREEN  
11 WASTE MANAGEMENT, THAT'S WHY I'M HERE. I HAVE A  
12 HANDOUT THAT YOU CAN FOLLOW WITH A FEW FACTS AND  
13 FIGURES ALONG THE WAY.

14 THE BIG PICTURE IS THAT IN 1995  
15 THERE WAS A SURVEY DONE BY CORK, THE CALIFORNIA  
16 ORGANIC RECYCLING COUNCIL. AT THAT TIME THEIR  
17 SURVEY SAID THEY HAD 300 COMPOST FACILITIES,  
18 PRODUCING ABOUT 2.5 MILLION TONS OF COMPOST. THEY  
19 WEREN'T REALLY SPECIFIC ON FEEDSTOCK, BUT THAT  
20 INCLUDED BIOSOLIDS, MANURE, GREEN WASTE, AG WASTE.

21 IN 1996 THE WASTE BOARD PUBLISHED  
22 PUBLICATION NO. 251-96, WHICH LISTED A HUNDRED SIX  
23 COMPOST FACILITIES IN CALIFORNIA. SOME WERE  
24 ACTIVE, UNPERMITTED, BUT IN DIFFERENT STATES OF  
25 DEVELOPMENT, THERE'S A HUNDRED SIX COMPOST



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1       FACILITIES.

2                       AND IN THIS PUBLICATION COMPOST AND  
3       MULCH SOURCES, WHICH I BROUGHT IN A COPY OF,  
4       THERE'S 60 FACILITIES PRODUCING 2.3 MILLION TONS  
5       OF COMPOST STATEWIDE. THE AGENCY IN 1995 SAY  
6       THERE'S MANY COMPOST FACILITIES, MANY UNPERMITTED,  
7       MANY MULCHERS. I THINK THAT 2.3 TO 2.5 MILLION  
8       TONS INCLUDES A WHOLE RANGE OF FEEDSTOCKS, NOT  
9       JUST CLEAN GREEN, BUT THE WHOLE RANGE OF FEED-  
10      STOCKS.

11                     IN THE YEAR 2000 THERE WILL BE A LOT  
12      MORE TONS, AND THAT'S MY FOCUS OF THE DAY IS IN A  
13      REVIEW OF THE CALIFORNIA INTEGRATED WASTE  
14      MANAGEMENT BOARD MARKET DEVELOPMENT PLAN FOR 1996,  
15      IN ORDER TO GET 50-PERCENT DIVERSION BY THE YEAR  
16      2000, THE MAIN TARGET IS COMPOSTABLES, 75 PERCENT  
17      DIVERSION GOAL. IF THERE'S ABOUT 10 MILLION TONS  
18      OF COMPOSTABLES, AND YOU WANT A 75-PERCENT  
19      DIVERSION, THAT'S 7.5, ABOUT, MILLION TONS OF  
20      MATERIAL THAT'S GOING TO HAVE TO REACH THE  
21      MARKETPLACE. WITH ABOUT 2.5 MILLION TONS OUT  
22      THERE, YOU'RE LOOKING AT ANOTHER 5 MILLION TONS OF  
23      MATERIAL THAT WILL BE COMING OUT OF THE MARKET-  
24      PLACE IN THE NEXT THREE YEARS.

25                     WELL, WE HAVEN'T HAD TOO MUCH



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1 CERTAINTY AND NOT MUCH CLARITY OVER THE LAST  
2 COUPLE YEARS ON THE 2.5 MILLION TONS. IN ORDER TO  
3 HAVE THE COMPOST INDUSTRY GROW AND THE URBAN GREEN  
4 WASTE DIVERSION PROGRAM GROW IN CALIFORNIA, I  
5 THINK IT'S TIME FOR THAT CERTAINTY AND CLARITY.

6 AND THAT'S WHY I'M HERE TODAY,  
7 BECAUSE WE HAVEN'T REALLY HAD THAT. PEOPLE I  
8 REPRESENT ARE INTO TOTAL QUALITY MANAGEMENT. WE  
9 COME HERE FOR PERMITS. WE STRONGLY SUPPORT THE  
10 CALIFORNIA COMPOST QUALITY COUNCIL. WE BELIEVE IN  
11 APPROPRIATE REGULATION AND QUALITY STANDARDS. AND  
12 OVER THE HISTORY I THINK WE'VE MADE A LOT OF  
13 HEADWAY ON THE REGULATORY DEVELOPMENT.

14 ON PAGE 2, ON A QUICK HISTORY, IS  
15 THAT THIS ISSUE ABOUT MULCHING CAME UP IN 1993-94.  
16 AT THAT TIME THE MULCHING INDUSTRY WAS DIFFERENT,  
17 WASN'T WHAT WE HAVE TODAY. AND SOMEBODY MENTIONED  
18 THAT TODAY. IN 1993 IT WAS THE BIOMASS INDUSTRY  
19 DOMINATED THE MULCHING INDUSTRY BECAUSE THEY HAD  
20 PRIME PRICING FOR THEIR BIOMASS CHIPS. WELL,  
21 THINGS CHANGE.

22 I THINK IN ORDER TO KEEP THAT  
23 GRINDING CAPACITY GOING, THEY SHIFTED OVER FROM  
24 WOODWASTE MORE INTO GREEN WASTE BECAUSE THAT'S  
25 WHAT'S COMING ONTO THE MARKETPLACE FROM THE



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1       HAULERS, AND THAT'S WHAT IS OCCURRING IN  
2       CALIFORNIA. SO WE HAVE A LOT MORE GRINDING  
3       CAPACITY, A LOT MORE MULCHING GOING ON.

4               WHEN THE REGULATIONS WERE ADOPTED IN  
5       1995, WE PLAYED AROUND WITH HOLDING TIMES FOR  
6       MULCHING FACILITIES. WHAT SHOULD IT BE? FIVE  
7       DAYS? THIRTY DAYS? WHAT WE CAME UP WITH WAS  
8       BIOLOGICAL DECOMPOSITION WITH A YARDSTICK.

9               IN YOUR PACKAGE I DO HAVE A FINAL  
10      STATEMENT OF REASONS FOR THE YARDSTICK. IT'S  
11      DATED MAY 19, 1995, AND I UNDERLINED THE KEY  
12      ASPECTS. WE'VE BEEN TALKING ABOUT INTENT,  
13      INADVERTENT COMPOSTING, ALL THESE OTHER ISSUES ON  
14      WHICH PEOPLE SAY THEY'RE NOT COMPOST REGS. I  
15      THINK THE YARDSTICK IS SPELL IT OUT IN THE FINAL  
16      STATEMENT OF REASONS.

17              THE YARDSTICK SAYS THAT IF A  
18      MATERIAL IS GIVEN AWAY OR SOLD BASED UPON THE  
19      BIOLOGICAL DECOMPOSITION THAT HAS OCCURRED, THIS  
20      MATERIAL IS CONSIDERED TO BE COMPOSTED INTEN-  
21      TIONALLY AND IS SUBJECT TO THESE REGULATIONS. SO  
22      I THINK THE MARKETPLACE IS A YARDSTICK. IF YOU  
23      ARE GOING TO DO THIS MULCHING AND YOU HAVE SOME  
24      TYPE OF BIOLOGICAL DECOMPOSITION OCCURRING AND  
25      ENTER THE MARKETPLACE, THAT'S A YARDSTICK IF YOU





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1 INTEND TO COMPOST OR NOT.

2 ANOTHER MISCONCEPTION WAS THAT THE  
3 WASTE BOARD DEREGULATED THE MULCHING INDUSTRY.  
4 WELL, I THINK THEY DIDN'T PUT THEM INTO THE  
5 COMPOST REGS, BUT IT'S STILL WITHIN TITLE 14. AND  
6 I APPRECIATE DOROTHY RICE'S COMMENTS ABOUT THAT,  
7 ABOUT TITLE 14 STILL DOES APPLY.

8 WE HAD MEETINGS IN 1995 IN FRONT OF  
9 THE P&E COMMITTEE ABOUT SLOTTING MULCHING IN  
10 TIERED PERMITTING. IN JANUARY '96 WE HAD A LOT OF  
11 DISCUSSIONS, AND WE'VE BEEN WORKING ON IT, AND  
12 MEANWHILE THE SAME ISSUES ARE OCCURRING.

13 THE OPTIONS TODAY, THERE ARE FIVE  
14 OPTIONS, AND I THINK THE STAFF REPORT WAS RATHER  
15 COMPLETE ON THE OPTIONS. ONE, WE DO A  
16 QUESTIONNAIRE. I THINK WE'VE DONE QUESTIONNAIRES  
17 AND WE HAVE A GOOD IDEA OF THE PROBLEMS.  
18 WORKSHOPS, WE HAD EXCELLENT WORKSHOPS OVER THE  
19 LAST TWO WEEKS ON NOVEMBER 21ST AND DECEMBER 5TH.  
20 AND THE NUMBER ONE ISSUES FROM THE AIR -- WITH  
21 REGARDS TO AB 59 FROM THE AIR DISTRICTS AND THE  
22 LEA'S -- I WENT TO BOTH WORKSHOPS -- WAS WHAT TO  
23 DO WITH THESE MULCHERS WHO ARE NOT PART OF THE  
24 COMPOST REGS. THAT WAS A BIG ISSUE AND HOW TO  
25 REGULATE THEM WITH RESPECT TO AB 59 AND THE AIR



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1 DISTRICTS.

2 GUIDANCE. WELL, I'VE BEEN IN FRONT  
3 OF THE WASTE BOARD FOR TWO YEARS ON GUIDANCE AND  
4 ABOUT THE NEED TO HAVE LEA ADVISORIES. SINCE THE  
5 WASTE BOARD COMPOST REGS WERE ADOPTED IN JANUARY  
6 '95 AND BECAME EFFECTIVE IN JULY -- I THINK IT'S  
7 JULY '94 -- '95, WE NEED LEA ADVISORIES, AND WE  
8 HAVEN'T HAD ONE YET OTHER THAN THE RECENT ONE ON  
9 ODOR CONTROL. SO I THINK WHAT I HEAR FROM THE  
10 VERMICOMPOSTING INDUSTRY IN GENERAL WE NEED  
11 GUIDANCE.

12 TRAINING. WE HAD GREAT TRAINING TWO  
13 WEEKS AGO DURING THESE ODOR CONTROL WORKSHOPS.  
14 THAT'S A BELLWETHER WORKSHOP WHERE WE HAD A LOT OF  
15 LEA'S, INDUSTRY, AIR DISTRICTS WORKING TOGETHER,  
16 AND WE GOT SOME CLARITY. NOW TO FOLLOW UP ON IT,  
17 WHAT TO DO WITH REGULATIONS, NO. 5. AND I'VE BEEN  
18 SUGGESTING SLOTTING THE MULCHING REGULATION --  
19 SLOTTING THE MULCHING IN THE REGULATORY TIERS AS  
20 PLANNED TWO YEARS AGO.

21 I THINK THE FRAMEWORK IS SUCH, NOT  
22 THE MARKETPLACE, IF IT GETS LAND APPLIED. I THINK  
23 TODAY WE HEARD ALL ABOUT LAND APPLICATION. I'M  
24 NOT SUGGESTING THAT. WHAT I'M SUGGESTING IS THE  
25 PROCESSING OF THE GREEN WASTE TODAY. WHAT HAPPENS



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1 TO THE PROCESSING OF THE GREEN WASTE? THE PERMIT  
2 OR REGULATORY FRAMEWORK IS IN PROCESSING OF THE  
3 GREEN WASTE.

4 AS YOU GO THROUGH THE STAFF REPORT,  
5 THERE WERE SIX DIFFERENT QUESTIONS, GOOD QUESTIONS  
6 THAT WE'VE BEEN ASKING OURSELVES FOR MANY YEARS  
7 NOW, AND I'M GLAD TO SEE THEM IN WRITING. IN  
8 FACT, THESE ISSUES COULD BE AN LEA ADVISORY.

9 ISSUE NO. 1 WAS I TOTALLY AGREE WITH WITH REGARDS  
10 TO ARE COMPOSTING ACTIVITIES ASSOCIATED WITH  
11 CHIPPING AND GRINDING AND VERMICOMPOSTING SUBJECT  
12 TO THE COMPOST REGS? ONCE AGAIN, BASED UPON  
13 BIOLOGICAL DECOMPOSITION, THEY ENTER THE  
14 MARKETPLACE. THEY ARE TO BE PART OF THE COMPOST  
15 REGS.

16 SIXTY FACILITIES INSIDE OF HERE.  
17 MARCH '96, COMPOST AND MULCH SOURCES, PRICING.  
18 THEY'RE SELLING MULCH. I THINK THEY'RE IN THE  
19 MARKETPLACE, AND ALL THIS MULCH IS BASED UPON THE  
20 BIOLOGICAL DECOMPOSITION. THE ONLY MULCH I KNOW  
21 ABOUT THAT IS NOT SOLD BASED UPON BIOLOGICAL  
22 DECOMPOSITION IS ALTERNATIVE DAILY COVER. BECAUSE  
23 WITHIN THE LEA ADVISORIES, ALTERNATIVE DAILY  
24 COVER, YOU HAVE A TEN-DAY HOLDING PERIOD. I USED  
25 TO MAKE THIS STUFF, AND IN TEN DAYS THE REASON WHY



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1 WE PICKED TEN DAYS IS BECAUSE IT DOESN'T CREATE A  
2 PROBLEM IN TEN DAYS. ONCE YOU HAVE THE FEEDSTOCK  
3 GO THROUGH THE CHIPPER, YOU HAVE YOUR PILES OF  
4 GREEN WASTE, AND THEN USE IT FOR ADC, TEN DAYS OF  
5 HOLDING TIME BECAUSE YOU DON'T GET THE DECOM-  
6 POSITION, THE ODORS, THE PROBLEMS.

7 SO THE ONLY ADVICE THAT WE GOT ON  
8 CHIPPING AND GRINDING SPECIFIC TO ADC WAS A  
9 TEN-DAY HOLDING TIME. WE TRIED TO PUT THAT IN THE  
10 ORIGINAL COMPOST REGS, AND THAT DIDN'T WORK,  
11 UNFORTUNATELY.

12 SO I GUESS ISSUE NO. 1 IS TO DEFINE  
13 WHAT IS COMPOST, AND I THINK THE FINAL STATEMENT  
14 OF REASONS AND THE ANSWERS DEFINES IT QUITE WELL.

15 NO. 2 WAS IS COMPOST PRODUCT FROM  
16 VERMICOMPOSTING AND SOIL AMENDMENT GIVEN AWAY  
17 SUBJECT TO THE COMPOST REGULATIONS? AND I WOULD  
18 AGREE WITH THE ANSWER. IF IT ENTERS THE  
19 MARKETPLACE FOR SALE.

20 NO. 3 IS WHAT TOOLS ARE OUT THERE.  
21 I DISAGREE SOMEWHAT BECAUSE I THINK IT BYPASSES  
22 THE TOOLS UNDER TITLE 14. I THINK THAT ONLY LOOKS  
23 UPON THE -- IF YOU ARE EXCLUDED FROM THE COMPOST  
24 REGS, IT DOESN'T REALLY GO INTO THE TITLE 14

TOOLS

25 YOU CURRENTLY HAVE AS FAR AS PROCESSING AND





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1       TRANSFER STATIONS.  SO I THINK I WOULD ADD TO NO.  
2       3, SAYING TITLE 14 TOOLS SHOULD BE USED THERE FOR  
3       EXCLUDED FACILITIES THAT TRULY ARE EXCLUDED.

4                       NO. 4, I WOULD AGREE WITH THE  
5       ANSWER.  WHAT IS REQUIRED OF CHIPPING AND GRINDING  
6       OPERATIONS WHEN MATERIALS ARE SOLD OR GIVEN AWAY  
7       BASED UPON THE BIOLOGICAL DECOMPOSITION?  THE  
8       COMPOST REGS APPLY.

9                       NO. 5 IS -- THAT'S WHERE THE BIG  
10      LOOPHOLE IS.  WHAT CONSTITUTES INADVERTENT  
11      COMPOSTING?  THAT'S WHAT THE MULCHERS HAVE BEEN  
12      SAYING FOR YEARS.  EVEN IF THEY'RE IN THE  
13      MARKETPLACE SELLING THIS STUFF, THEY DID SELL IT,  
14      SO THEY WERE NOT INTENTIONALLY COMPOSTING, BUT  
15      THEY ARE SELLING A PRODUCT BASED UPON BIOLOGICAL  
16      DECOMPOSITION.

17                      WHAT I'VE SEEN OUT THERE IN THE  
18      FIELD -- I SPEND A THIRD OF THE TIME IN THE FIELD  
19      THROUGHOUT CALIFORNIA LOOKING AT MANY FACILITIES  
20      AND COMPOSTING.  I HAVEN'T MADE IT TO SAN DIEGO  
21      YET TO LOOK AT THE TIUJUANA BASIN.  BUT WHEN THE  
22      MATERIAL IS DARK AND BROWN AND HUMUSLIKE, LOOKS  
23      LIKE COMPOST, FEELS LIKE COMPOST, LOOKS LIKE THE  
24      COMPOST REGULATIONS TO ME.  AND THAT IS THE  
25      YARDSTICK THAT SHOULD BE USED IN ORDER TO DOES



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1 COMPOST REGULATIONS APPLY AND ARE THEY SELLING  
IT?

2 A LOT OF PEOPLE CALL IT SOIL  
3 AMENDMENT. A LOT OF PEOPLE CALL IT MANY  
DIFFERENT

4 THINGS. WE HAD A GENTLEMAN UP HERE FROM WEAVER  
5 INDUSTRY LAST TESTIMONY BRAGGING ABOUT THE FACT  
6 THAT THEY DON'T EVEN GO THROUGH TEMPERATURE  
7 REDUCTION TO KILL THE WEED SEEDS. I WAS  
8 SCRATCHING MY HEAD. IS THE REASON THE COMPOST  
9 INDUSTRY IS SO CONCERNED ABOUT MULCHING IS THAT  
WE  
10 GET TIME AND TEMP.

11 TIME AND TEMP, WHAT DOES THAT DO  
12 WHEN YOU REACH YOUR TIME AND TEMP CRITERIA? YOU  
13 GET PATHOGEN REDUCTION. YOU GET WEED SEED KILL.  
14 WE DON'T WANT TO BE DUMPING MULCH WITHOUT TIME  
AND

15 TEMP ONTO THE AGRICULTURE COMMUNITY THAT HAS WEED  
16 SEEDS IN IT, AND WE DON'T WANT TO DUMP PATHOGEN  
17 LADEN PRODUCT ONTO THE AGRICULTURAL COMMUNITY.

18 BASICALLY WE GO THROUGH A  
19 PASTEURIZATION PROCESS, AND ADWALLAH WOULD HAVE  
20 WISHED THEY'D DONE IT MAKING APPLE JUICE BECAUSE  
I

21 BELIEVE THAT THE COMPOST INDUSTRY COULD SUFFER  
22 SUCH A FATE. SHOULD WE GET THE BLACK EYE WITH  
23 SOME UNPASTEURIZED COMPOST ON THE MARKETPLACE.  
AS  
24 LARRY SWEETSER WOULD SAY, WE NEED TO GET THE  
GREEN  
25 EYE. WE NEED TO HAVE POSITIVE EXAMPLES IN ORDER

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1 TO DEVELOP THE MARKETPLACE TO GET THREE MORE  
2 MILLION TONS OF URBAN GREEN WASTE DIVERTED BY THE  
3 YEAR 2000.

4 NO. 6, HOW CAN LEA'S DETERMINE  
5 WHETHER ACTIVITIES ARE EXCLUDED? WELL, I THINK  
6 THAT ANSWER IS ONE THROUGH FIVE, PUT OUT AN LEA  
7 ADVISORY, SLOT THE MULCHING FACILITIES WITHIN  
8 TIERED PERMIT. PROBABLY THE HIGHEST TIER WOULD BE  
9 NOTIFICATION. I'M NOT HERE SAYING REGISTRATION OR  
10 FULL PERMITTING. I THINK NOTIFICATION TIER AS SET  
11 UP IN CONTAMINATED SOIL AND ASH REGULATIONS IS  
12 SOMETHING THAT'S APPROPRIATE. I THINK YOU NEED TO  
13 GET AN LEA OUT THERE TO LOOK AT SOME OF THESE  
14 FACILITIES BECAUSE SOME OF THAT GREEN WASTE SITS  
15 THERE FOR YEARS AND YEARS AND YEARS. I'VE SEEN  
16 MUCH OF THAT MATERIAL ENTERING THE MARKETPLACE.

17 BEST MANAGEMENT PRACTICES WAS  
18 MENTIONED TODAY. IN YOUR HANDOUT I DO HAVE A  
19 SECTION FROM THE COMPOSTING COUNCIL'S BEST  
20 MANAGEMENT PRACTICES. UNDER GROUP ONE PILES, IT  
21 TALKS ABOUT COMPOSTING TECHNOLOGY VERSUS DETENTION  
22 TIME. UNDER GROUP NO. 1 IT SAYS PILES, UNMANAGED  
23 AND UNDISTURBED.

24 BASICALLY THAT'S WHAT THE MULCHERS  
25 ARE DOING. THEY'RE STOCKPILING THIS FOR YEARS OR



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1 MONTHS, AND THEY SCREEN IT AND SELL IT AS SOME  
2 TYPE OF SOIL AMENDMENT. IT'S UNMANAGED AND  
3 UNDISTURBED, AND EVEN THE COMPOSTING COUNCIL,  
4 NATIONAL COMPOSTING COUNCIL, RECOGNIZES IT AS A  
5 VERY LOW TECH COMPOSTING TECHNOLOGY. SO I'VE GOT  
6 TO STRESS THAT.

7 HEALTH AND SAFETY IS THE BIGGEST  
8 ISSUE AS ALWAYS, BUT I'M GOING TO LIMIT IT ONLY TO  
9 PATHOGEN REDUCTION BECAUSE THAT IS THE BIGGEST  
10 ISSUE OUT THERE FOR THE COMPOST INDUSTRY ON TIME  
11 AND TEMP. AND NUISANCES, DURING THE WORKSHOPS WE  
12 HAD LAST TWO WEEKS, THE LEA'S VOICED ALL THE  
13 TYPICAL NUISANCES THAT THEY SAY. YOU HEARD SOME  
14 TODAY ABOUT ASH. I'M NOT GOING TO GET INTO THAT.

15 PLUS INTO THE REPORT THEY TALK ABOUT  
16 COMPETITION, AND I'M UP HERE ALWAYS ACCUSED OF  
17 YOU'RE ONLY UP HERE BECAUSE OF COMPETITION, PERMIT  
18 EQUITY, REGULATORY EQUITY. WELL, I'M UP HERE  
19 BECAUSE I'M LOOKING DOWN THE ROAD TO THE YEAR 2000  
20 WITH 5,000 MORE TONS OF URBAN MATERIAL TO COME ON  
21 THE MARKETPLACE. WE CAN'T MANAGE 2.5 MILLION  
22 RIGHT NOW.

23 WITH REGARDS TO AB 1647, WE WERE  
24 ASKED AS PART OF THE ADC REGULATIONS TO LOOK AT  
25 THE IMPACTS OF ADC TO THE COMPOSTING INDUSTRY, NOT





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1 TO THE URBAN GREEN WASTE OR MULCHING INDUSTRY, BUT  
2 TO THE COMPOST INDUSTRY. LOOKING AT THAT, ADC IS  
3 ABOUT 400,000 TONS, WHICH IS 4 PERCENT OF THE 10  
4 MILLION TONS. BUT THE BIGGEST THREAT TO THE  
5 COMPOSTING INDUSTRY IS NOT ADC. IT IS ORGANIC  
6 BYWAY OF PUSHING THE STUFF OUT TO THE MULCHING  
7 WITHOUT ANY TYPE OF REGULATORY OR QUALITY  
8 STANDARDS.

9 WHAT I DO HAVE ON THE LAST PAGE,  
10 SECOND TO LAST PAGE, I HAVE A MATRIX, MARKET  
11 CHOICES IN RELATION TO REGULATORY OVERSIGHT AND  
12 QUALITY GUIDELINES. IF YOU LOOK TO THE FAR RIGHT  
13 COLUMN, YOU HAVE COMPOST OPERATIONS AND  
14 FACILITIES. GO THROUGH TIER PERMITTING. THE  
15 WASTE BOARD WORKED ON COMPOST AGRICULTURAL  
16 STEERING COMMITTEE STANDARDS, AND THE CALIFORNIA  
17 COMPOST QUALITY STANDARDS IS TRYING THEIR BEST TO  
18 IMPLEMENT THOSE STANDARDS AND A VOLUNTARY  
19 PRACTICE. AND THE REASON WHY I GOT INVOLVED WITH  
20 CCQC WAS BECAUSE WE NEEDED SOME WAY TO  
21 DIFFERENTIATE TRUE COMPOST FROM THE SOIL AMENDMENT  
22 ORGANIC JUNK THAT IS BEING PUSHED ON THE  
23 MARKETPLACE WITHOUT TIME AND TEMP.

24 SO WE'RE MOVING FORWARD WITH CCQC.  
25 ONE OF THE CONDITIONS IS TO HAVE A TITLE 14



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1 PERMIT, TO HAVE REGULATORY COMPLIANCE WITH TITLE  
2 14 ON TIME AND TEMP. IF YOU LOOK AT THE FAR LEFT,  
3 WHAT DO YOU GOT? YOU GOT CHIP AND SHIP, NO  
4 REGULATION, EXCLUDED, NO QUALITY STANDARDS,  
5 STOCKPILE. ONLY QUALITY STANDARD ON THE FAR LEFT  
6 IS FOR ADC. YOU GOT TO MOVE IT WITHIN TEN DAYS  
7 AND HAVE A FOOT OF COMPACTION.

8 CLEAN GREEN MOVING TO AG DOES HAVE A  
9 QUALITY STANDARD. WE WORKED ON WHERE UNDER TITLE  
10 14 YOU NEED 0.5 PERCENT CONTAMINATION. SO GREEN  
11 WASTE GOES THROUGH A PERMITTED FACILITY, GETS 0.5  
12 PERCENT CONTAMINATION, MEETS 503, AND HE CAN MIX  
13 THAT IN A 50-50 BLEND WITH AG COMPOSTING TO FIT IN  
14 THE NOTIFICATION TIER.

15 SO THERE IS SOME QUALITY STANDARDS  
16 WITH CLEAN GREEN AND AG COMPOSTING, BUT THIS CHIP  
17 AND SHIP TO LAND APPLICATION IS WIDE OPEN, AND  
18 THAT'S WHERE THE 5.0 MILLION TONS ARE GOING TO GO  
19 IF WE DON'T HAVE SOME TYPE OF FRAMEWORK IN ORDER  
20 TO GET A HANDLE ON WHAT IMPACTS IT COULD HAVE AS A  
21 WHOLE TO THE COMPOST INDUSTRY.

22 SO THE CONCLUSIONS IS THE  
23 QUESTIONNAIRE, YOU LOOK AT THE FIVE OPTIONS, THE  
24 QUESTIONNAIRE, WE'VE DONE THAT. THE WORKSHOPS,  
25 WE'RE DOING THEM. I THINK WE CAN DO SOME MORE.



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1 GUIDANCE, I THINK THE STAFF REPORT COULD BE  
2 MODIFIED AS AN LEA ADVISORY. TRAINING, WE'RE ON  
3 THE WAY. WE'RE DOING THAT. AND REGULATIONS, I  
4 THINK WE NEED TO START SLOTTING THE MULCHING  
5 FACILITIES INTO THE REGULATORY TIERS. WE'VE BEEN  
6 WORKING ON IT FOR TWO YEARS. I THINK THE TIME IS  
7 NOW. WE CANNOT KEEP ON IGNORING IT. IT'S A  
8 REALITY. AND I THINK WE HAVE A REGULATORY  
9 FRAMEWORK IN PLACE WITH THE ASH AND THE SOIL TIERS  
10 PERMIT IN ORDER TO PLACE A PROCESSING FACILITY IN  
11 THE NOTIFICATION TIER.

12 THAT'S MY TESTIMONY. I APPRECIATE  
13 THE OPPORTUNITY TO SPEAK TODAY. IT'S BEEN TWO  
14 YEARS IN THE MAKING, AND I HOPE IN '97 IT CAN MOVE  
15 FORWARD.

16 CHAIRMAN FRAZEE: THANK YOU. LARRY  
17 SWEETSER.

18 TWO-MINUTE BREAK.

19 (RECESS TAKEN.)

20 CHAIRMAN FRAZEE: LET'S RECONVENE HERE  
21 NOW FOR GOOD. LARRY, YOU'RE GOING TO BE BRIEF.

22 MR. SWEETSER: MIGHT NOT EVEN HAD TO  
23 CHANGE THE PAPER. FOR THE RECORD, MY NAME IS  
24 LARRY SWEETSER, DIRECTOR OF REGULATORY AFFAIRS FOR  
25 NORCAL WASTE SYSTEMS.



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1                   AND I THINK I'M ENCOURAGED BY THE  
2       WASTE BOARD'S REVIEW OF THIS ITEM.   BEEN FOLLOWING  
3       IT, AS EVAN HAS, FROM THE VERY BEGINNING.   FIRST  
4       OFF, LET ME JUST SAY I BELIEVE THAT BENEFICIAL  
5       LAND APPLICATION OF THESE MATERIALS IS A VIABLE  
6       CONCEPT AND IT IS DIVERSION OF SOLID WASTE.

7                   UNFORTUNATELY WE HAD A NUMBER OF BAD  
8       ACTORS OUT THERE STARTING TO TAKE ADVANTAGE OF THE  
9       LACK OF CONTROLS.   AND I THINK THAT'S WHERE WE  
10      NEED TO REFOCUS THINGS.   I THINK YOU'RE ON THE  
11      RIGHT TRACK AS FAR AS REVIEWING THIS ITEM.   AND  
12      NOT JUST ON PROCESSING.   I THINK WE ALSO NEED TO  
13      LOOK AT THE LAND APPLICATION OF SOME OF THESE  
14      THINGS LIKE MULCH AND ALSO OTHER MATERIALS.   I  
15      WON'T GET INTO SPECIFICS TODAY, BUT WE HAVE SOME  
16      THAT WE CAN DEAL WITH.

17                  YOU'VE ALSO SEEN THE HEALTH AND  
18      SAFETY IMPACTS AND THE CONCERNS COMING UP FROM  
19      THESE ITEMS.   I THINK IT'S JUST THE TIP OF AN  
20      ICEBERG, SOME OF THESE.   YOU'RE ALSO SEEING  
21      PROBABLY A FAR GREATER CONCERN AND THAT'S THE  
22      IMPACT ON THE COMPOSTING INDUSTRY.   IT'S  
23      STRUGGLING RIGHT NOW.   IT DOESN'T NEED THIS KIND  
24      OF A BLACK EYE GOING ON.   SO WE NEED TO BE  
LOOKING  
25      AT THOSE ISSUES.





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1                   AND THERE'S TWO THAT YOU CAN FOCUS  
2       ON. ONE IS THE ENFORCEMENT ISSUE. SOME OF THESE  
3       FACILITIES ARE BLATANTLY LAND APPLICATION UNDER  
4       THE GUISE OF THE, QUOTE, INTENT TO RECYCLE THOSE  
5       MATERIALS. THAT NEEDS TO STOP. I THINK ONE OF  
6       THE PROBLEMS IN DOING THAT IS THE LACK OF  
7       GUIDANCE.

8                   THERE NEED -- LEA'S AND EVERYBODY  
9       ELSE NEED TO UNDERSTAND WHAT IS AND WHAT ISN'T  
10      APPROPRIATE FOR THESE TYPES OF MATERIALS. WE NEED  
11      TO KNOW WHERE TO DRAW THE LINE. IT WOULD BE A LOT  
12      EASIER IF THE BOARD CAN PROVIDE THAT KIND OF  
13      GUIDANCE. AND I THINK YOU CAN DO THAT BY STRIKING  
14      A BALANCE BETWEEN THE NEED TO REGULATE AND THE  
15      NEED FOR NOT IMPACTING BENEFICIAL USE.

16                  AND I ALSO AGREE WITH A LOT OF MR.  
17      EDGAR'S COMMENTS. I THINK WE CAN PUT SOME OF  
18      THESE INTO A TIERED STRUCTURE. SOME OF THEM ARE  
19      LOWER TIERS. I'M NOT GOING TO SPECIFY WHICH ONES  
20      AT THIS POINT. ESPECIALLY WE WOULD LIKE YOU TO  
21      INCLUDE THE LAND APPLICATION OF SOME MATERIALS  
22      THAT HAVE BEEN BLATANT LAND DISPOSAL.

23                  WITH THAT, I THINK WE CAN GO ON WITH  
24      THAT PROCESS AND INCLUDE THAT AND PROVIDE  
25      SPECIFICS TO STAFF. GLAD TO WORK WITH YOU ON THAT



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1 AS ALWAYS. THANK YOU VERY MUCH.

2 CHAIRMAN FRAZEE: THANK YOU. IT COULD BE  
3 APPROPRIATE, AS WE DISCUSS THE ASH WITH FOOD AND  
4 AG, TO TALK ABOUT THIS ITEM AT THE SAME TIME.

5 MS. RICE: AND BIOSOLIDS AS WELL.

6 CHAIRMAN FRAZEE: AND BIOSOLIDS, DO THE  
7 WHOLE GROUP OF THINGS ONCE.

8 FINALLY, WILLIAM O'RULLIAN, KERN  
9 COUNTY ENVIRONMENTAL HEALTH DEPARTMENT.

10 MR. O'RULLIAN: THANK YOU.

11 CHAIRMAN FRAZEE: I HAVE TO ASK YOU ONE  
12 QUESTION. MY FORMER COLLEAGUE, TRICE HARVEY,  
13 ALWAYS REPRESENTED HIMSELF AS AN ENVIRONMENTAL  
14 HEALTH SPECIALIST FROM KERN COUNTY.

15 MR. O'RULLIAN: THAT'S CORRECT. TRICE  
16 HARVEY IS STILL A REGISTERED ENVIRONMENTAL HEALTH  
17 SPECIALIST. HE WORKED FOR OUR DEPARTMENT IN THE  
18 GOLDEN ERA PREREGULATION, I GUESS YOU COULD SAY.

19 CHAIRMAN FRAZEE: YOU DON'T TALK  
20 BAKERSFIELD-ESE LIKE THAT HE DOES.

21 MR. O'RULLIAN: WELL, WHEN HE BECAME A  
22 POLITICIAN, HE CAME BY OUR OFFICE AND SAYS,  
"WELL,

23 I HAVE TO WEAR THEM TASSELED SHOES NOW."

24 MEMBER PENNINGTON: THAT'S BECAUSE HE'S  
25 FROM BUTTON WILLOW.



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1                   MR. O'RULLIAN:   OKAY.   I JUST WANT TO BE  
2   ABLE TO GO ON RECORD IN SUPPORT OF KEN CALVERT'S  
3   COMMENTS AND ALSO THE COMMENTS SUBMITTED BY EVAN  
4   EDGAR ON BEHALF OF OUR LOCAL ENFORCEMENT AGENCY.

5                   WE BELIEVE THAT MULCHING OPERATIONS  
6   SHOULD BE TIERED AS PERMIT NOTIFICATIONS.   AND WE  
7   ALSO FEEL THAT VERMICOMPOSTING REGULATIONS NEED TO  
8   BE LOOKED AT AS FAR AS SETTING A STANDARD FOR  
9   RELIABLE THROUGHPUT RATE OR CREATE A MASS BALANCE  
10  EQUATION, NUMBER OF WORMS TO AMOUNT OF FEEDSTOCK  
11  COMING IN.

12                  I KNOW THAT THAT IS NOT AN EXACT  
13  SCIENCE, AND I DON'T THINK THAT THE BOARD SHOULD  
14  TRY AND DEVELOP EQUATIONS ON THIS, BUT DEFINITELY  
15  THERE NEEDS TO BE THE NEED FOR A GUIDELINE OR A  
16  STANDARD.

17                  WE HAD OCCASION WHERE ONE  
18  VERMICOMPOSTER CAME INTO OUR COUNTY AND WAS  
19  RECEIVING ABOUT 138 TONS A DAY FROM LOS ANGELES  
20  COUNTY -- EXCUSE ME -- LOS ANGELES CITY.   AND WHEN  
21  WE ASKED HIM HOW MANY WORMS HE HAD ON SITE, HE  
22  SAID THAT HE HAD JUST BOUGHT 40 POUNDS OF WORMS.  
23  IT'S LIKE GOING TO BOB'S BAIT BUCKET AND BUYING  
24  THE WORMS AND SAYING YOU'RE NOW A VERMICOMPOSTER.  
25                  SO THOSE KINDS OF SITUATIONS ARE NOT



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1 JUST HYPOTHETICAL. THEY DO EXIST, AND IT CREATES  
2 ENFORCEMENT PROBLEMS FOR LEA'S.

3 WE ARE ALSO CONCERNED ABOUT THE  
4 SITUATIONS WHERE SOMETHING UNDER THE AUSPICE IF A  
5 FARM WOULD BE BRINGING IN GREEN WASTE AND DOING  
6 CONTINUOUS TILLING OPERATIONS RATHER THAN PLANTING  
7 CROPS, BRINGING IN GREEN WASTE UNDER THE USE OF,  
8 SAY, INCREASING THE TILL FOR THE SOIL, BUT NEVER  
9 REALLY GETTING AROUND TO PLANTING A CROP. WE  
10 DON'T EXACTLY KNOW WHERE THAT WOULD FALL IN. IT  
11 MIGHT BE SOMETHING THAT WOULD BE LOOKED AT WITH  
12 MULCHING, BUT THOSE TYPES OF SITUATIONS DO EXIST,  
13 AND WE'D LIKE TO SEE A GUIDELINE ON THAT.

14 AND I APPRECIATE THIS OPPORTUNITY  
15 AND WANT TO RECOMMEND THAT THE BOARD ACT QUICKLY  
16 ON THIS BECAUSE OF THE CONCERNS THAT WE HAVE  
17 PRESENTLY IN OUR COUNTY WITH VERMICOMPOSTING  
18 OPERATIONS THAT ARE PROPOSED AND OPERATING.

THANK

19 YOU.

20 CHAIRMAN FRAZEE: THANK YOU. IS THAT  
21 EVERYONE NOW THAT WANTED TO BE HEARD ON THIS  
22 ISSUE?

23 JUST FOR INPUT ON THIS SUBJECT,  
I'D

24        LIKE TO MAKE A COMMENT OR TWO.  I SEE SOME  
25        PARALLELS IN THIS DISCUSSION WITH WHERE WE'VE  
BEEN



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1       ON ASH.  AND MY, AT LEAST FIRST CUT, OPINION ON  
2       THIS IS THAT VERMICULTURE PER SE IS NOT AN  
3       ACTIVITY THAT THE WASTE BOARD SHOULD BE INVOLVED  
4       IN REGULATING, BUT WHAT LEADS UP TO VERMICULTURE  
5       PERHAPS IS THE AREA THAT WE NEED TO LOOK --  
6       FURTHER LOOK AT AND SPECIFY, IF NECESSARY, THE  
7       KIND OF MATERIAL THAT GOES INTO THE ULTIMATE  
8       VERMICULTURE BEDS.

9                       FOR US TO GET IN THE PRACTICE OF  
10       MANAGING A PRODUCTION OPERATION IS BEYOND OUR --  
11       THE SCOPE OF OUR AUTHORITY.  SO I THINK WE DO HAVE  
12       AN OPPORTUNITY TO MAKE A DISTINCTION AND BRING  
13       THAT INITIAL COMPOSTING THAT PRECEDES FORMING THE  
14       WORM BEDS INTO A REGULATORY SCHEME.  IS THAT YOUR  
15       CUT ON IT?

16                    MEMBER RELIS:  I WOULD THINK THAT WHAT --  
17       I THINK PRECISELY.  I THINK WE NEED TO -- AGAIN,  
18       THERE'S A MANUFACTURING PROCESS ALMOST IN THIS  
19       VERMICULTURE.  IT DOESN'T HAVE THE SAME  
20       CHARACTERISTICS AS COMPOSTING.  IT DOESN'T EAT, IT  
21       DOESN'T -- IT'S A LOW IMPACT TYPE OF ACTIVITY  
22       SUBJECT TO NO STOCKPILES OF MATERIAL AND SOME  
23       CORRELATION BETWEEN THE OPERATION AND THE AMOUNT  
24       OF FEEDSTOCK, AND THAT SEEMS TO BE THE AREA WE  
25       NEED TO FOCUS.



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1                   WHAT HAPPENS TO THAT MATERIAL  
2       BETWEEN THE REGULATED FACILITY OR THE MUNICIPAL  
3       PRIVATE PROGRAM AND THE POINT TO WHICH IT'S LAID  
4       OUT IN BEDS AND BECOMES VERMICULTURE --  
5       VERMICOMPOSTING.   VERMICOMPOSTING, THAT'S RIGHT.  
6       MIXING UP THE TERMS.

7                   SO I AGREE WE NEED A FOCUS AND NOT  
8       ON RUNNING VERMICULTURE OPERATIONS.   AND I THINK  
9       WE NEED TO HAVE WORK DONE ON THAT.

10                  IN ADDITION, I DON'T KNOW, MR.  
11       CHAIR, IF YOU WERE GOING TO GO AND ADDRESS THE  
12       CURRENT SITUATION REGARDING THE OPERATIONS THAT  
13       ARE OUT THERE PRESENTLY THAT ARE PRESENTING A  
14       PROBLEM FOR US, OR DID I MISS SOMETHING WHEN I WAS  
15       OUT?

16                  CHAIRMAN FRAZEE:   NO.

17                  MEMBER RELIS:   WHEN WE'RE DONE WITH THIS  
18       PART, I'D JUST LIKE TO SAY -- RECOMMEND SOME  
19       ACTION.

20                  CHAIRMAN FRAZEE:   LET'S GO AHEAD WITH  
21       THAT.

22                  MEMBER RELIS:   WELL, I THINK THAT WE HAVE  
23       A BIT OF, I'LL CALL IT, AN EMERGENCY SITUATION IN  
24       STOCKPILED MATERIAL GROWING AROUND THIS STATE THAT  
25       WE SHOULD TAKE AN ACTIVE ROLE ON THROUGH PERHAPS



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1 AN EMERGENCY REGULATORY PROCESS TO UNDERScore BOTH  
2 THE BOARD'S CONCERN, THE EVIDENCE OR THE  
3 INFORMATION, RATHER, WE'VE RECEIVED TO DATE.  
4 WE'VE HEARD FROM LEA'S. WE'VE HAD OUR OWN  
5 INDEPENDENT WORK DONE. I THINK THAT THE SITUATION  
6 CAN ONLY GET WORSE IF WE DON'T TAKE SOME ACTION.

7 AND I WAS GOING TO ASK STAFF IF  
8 THERE IS A COURSE AVAILABLE TO US IN THE FORM OF  
9 EMERGENCY REGULATIONS THAT COULD BE NARROWED AND  
10 ADDRESS THE STOCKPILING, THE LOOKS LIKE LANDFILL,  
11 BEHAVES LIKE LANDFILL, WHAT ENFORCEMENT ACTIONS  
12 CAN WE TAKE AGAINST IT IN THE SHORTEST POSSIBLE  
13 TIME?

14 MS. RICE: WE CAN CERTAINLY WORK TO  
15 DEVELOP SOME EMERGENCY REGULATION LANGUAGE TO  
16 BRING BACK TO THIS COMMITTEE AND THE BOARD. I  
17 THINK WE WOULD BE SEEKING A LITTLE GUIDANCE ON  
18 YOUR THOUGHTS ABOUT THE NATURE OF THE LANGUAGE YOU  
19 WOULD WANT US TO WORK ON. FOR EXAMPLE, I HEARD  
20 TWO VERY DIFFERENT KINDS OF SITUATIONS DESCRIBED  
21 HERE TODAY, SOME AMBIGUITIES ABOUT THE VERMI-  
22 COMPOSTING EXCLUSION, AND WHAT WORK NEEDS TO BE  
23 DONE THERE AS OPPOSED TO THE STOCKPILING THAT MAY  
24 BE ASSOCIATED MORE WITH THE CHIPPING AND GRINDING  
25 OPERATIONS. AND THOSE ARE TWO PERHAPS DIFFERENT,



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1       PERHAPS SIMILAR ISSUES, SO I'D BE --

2               MEMBER RELIS: LET ME JUST TRY AND  
3       CLARIFY THAT. IN ONE SENSE I DON'T THINK THEY'RE  
4       DIFFERENT BECAUSE A PILE THAT DOESN'T MOVE, THAT  
5       IS LARGE, WHERE THERE'S NO CORRELATION BETWEEN AN  
6       END USE AND THE SIZE, TO ME, IS A PROBLEM FOR US  
7       BECAUSE IF THE PARTY WALKS, IT'S A CLEANUP. IT'S  
8       A CLEANUP ISSUE. AND IT SOUNDS LIKE WE'VE  
9       IDENTIFIED PLACES WHERE THAT IS INDEED OCCURRING.  
10      WE'VE HAD COMPLAINTS. THE LEA'S HAVE SAID IT'S A  
11      PROBLEM, AND THEY WANT TOOLS TO ENFORCE IT. I  
12      WANT TO GIVE THEM SOME TOOLS.

13             MS. RICE: THERE ARE STOCKPILE ISSUES.

14             MEMBER RELIS: STOCKPILE. THE ACTUAL  
15      WHAT GOES ON IN A VERMICULTURE BED, I THINK THAT  
16      PROBABLY TAKES MORE WORK TO NOT GET US INTO THE  
17      DAY-TO-DAY OF THAT, THAT IT'S THE PILES THAT ARE  
18      MORE THE CONCERN. I DON'T HEAR THAT THERE ARE  
19      ODOR PROBLEMS COMING CROSS WIND FROM THE WORMS.  
20      THERE'S NO FIRES FROM THE WORMS. THERE'S NO HUGE  
21      STOCKPILE WHERE THE WORMS ARE OPERATING IN A TRUE  
22      VERMICOMPOSTING PROCESS.

23             MS. RICE: WHAT I WAS HEARING THERE  
24      PERHAPS WAS THAT THERE MAY BE A NEED DOWN THE ROAD  
25      ON A NONEMERGENCY BASIS TO LOOK AT VERMICOMPOSTING





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1       AND WHETHER TIERING THOSE OPERATIONS AND  
2       DEVELOPING WHAT ARE GOOD PRACTICES AND THOSE KINDS  
3       OF THINGS SHOULD BE DEVELOPED OVER TIME. BUT AS I  
4       UNDERSTOOD IT, THE EMERGENCY NATURE OF WHAT WE  
5       WERE LOOKING AT TODAY HAD TO DO WITH STOCKPILING  
6       AND THE THREATS IMPOSED BY THAT, BE THEY FIRE OR  
7       VECTORS.

8               MEMBER RELIS: THAT'S MY TAKE. THAT'S  
9       WHAT WE'RE AFTER. THAT'S WHAT'S CAUSING THE  
10      CONCERN. THAT'S WHAT CAUSES THE LONG-TERM  
11      LIABILITY TO THE STATE AND HAS SURFACED IN THE --  
12      AT THE LEA LEVEL AND IN COMPLAINTS DIRECTLY TO  
13      BOARD MEMBERS.

14             MS. RICE: I THINK WE COULD CRAFT SOME  
15      LANGUAGE, FAIRLY SIMPLE LANGUAGE, AROUND GETTING  
16      AT THAT DIRECT ENFORCEMENT ISSUE AND BRING THAT  
17      BACK TO THE COMMITTEE FOR CONSIDERATION. I ASSUME  
18      YOU WOULD WANT US TO WORK WITH INTERESTED PARTIES  
19      ON THAT LANGUAGE.

20             MEMBER RELIS: YES. BUT WE DO WANT TO  
21      MOVE QUICKLY.

22             MS. RICE: I ASSUME WE COULD BE BACK  
23      BEFORE YOU IN JANUARY.

24             MEMBER PENNINGTON: THAT'S PRETTY QUICK.  
25      CHAIRMAN FRAZEE: YES. PERHAPS A GOOD --



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1       EXCUSE ME -- A GOOD EXAMPLE OF THE KIND OF  
2       SITUATION THAT OCCURS WITH THE CURRENT REGULATIONS  
3       IS THE CATHEDRAL CITY SO-CALLED WHITE FEATHER  
4       THING THAT WE'RE NOW UNDER CLEANUP ON. THAT COULD  
5       HAVE EXCLUDED PERMITTING ALTOGETHER HAD THEY PUT  
6       DOWN ONE WORM BIN.

7               MEMBER RELIS: AS IT WAS THEY CALLED IT A  
8       MULCHING OPERATION, AND IT NEVER DID QUITE BEHAVE  
9       LIKE A LEGITIMATE WHAT I WOULD CALL -- THE  
10      MATERIAL CAME IN AND DIDN'T GO OUT, AND IT BUILT  
11      AND BUILT AND THEN DIDN'T OPERATE.

12             MEMBER PENNINGTON: IT DIDN'T GET WORMED.

13             CHAIRMAN FRAZEE: IT DIDN'T GET WORMED.

14                     WE REALLY NEED TO SHUT DOWN. IF YOU  
15      HAVE SOMETHING JUST VERY QUICKLY.

16             MR. MEIJER: SIR, I UNDERSTAND THE  
17      PROBLEM WITH STOCKPILING AND I DON'T HAVE A  
18      PROBLEM WITH THAT. THE ISSUE REALLY IS WHAT ARE  
19      WE ALLOWED TO DO TO THE MATERIAL BEFORE WE FEED IT  
20      TO THE WORMS? THIS IS A MAJOR CRISIS FOR US. I  
21      MEAN WE'RE BEING FACED WITH A SHUTDOWN BY THE LEA  
22      BECAUSE THEY'RE SAYING YOU CANNOT PROCESS THE  
23      MATERIAL BEFORE YOU FEED TO THE WORMS BECAUSE THAT  
24      CONSTITUTES A SOLID WASTE FACILITY.

25                     MS. RICE: OR A COMPOSTING FACILITY.



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1                   MR. MEIJER:   IN OUR CASE A SOLID WASTE  
2       TRANSFER FACILITY.

3                   MEMBER RELIS:   I DON'T KNOW ENOUGH TO --

4                   MEMBER PENNINGTON:   THIS IS WHAT WE'RE  
5       ASKING STAFF TO LOOK AT.

6                   MS. RICE:   WE ARE ALSO, JUST FOR YOUR  
7       INFORMATION, BRINGING A SCHEDULE TO YOU IN JANUARY  
8       FOR THE TIERS GENERALLY, WHAT ISSUES WE PROPOSE TO  
9       BRING FORWARD.   AND BASED ON RECENT INPUT OVER THE  
10      LAST MONTH OR SO, YOU MAY WISH TO REVISE OUR PLANS  
11      TO ADDRESS MORE QUICKLY SOME OF THESE KINDS OF  
12      ISSUES THAT ARE COMING UP THAN WE HAD PROPOSED TO  
13      DO BECAUSE THERE ARE SOME CHANGES HAPPENING  
14      RAPIDLY.

15                  CHAIRMAN FRAZEE:   OKAY.   NOW I THINK WE  
16      HAVE AN UNDERSTANDING OF WHERE WE'RE GOING WITH  
17      THIS, AND STAFF CAN APPRECIATE THE WORK ON THIS  
18      ITEM TO DATE.   WE HAVE ONE FINAL ITEM, AND THEN WE  
19      HAVE SOME PUBLIC COMMENT ALSO.   WE HAVE AGENDA  
20      ITEM 11, THE PRESENTATION OF A LIST OF SITES FOR  
21      SOLID WASTE DISPOSAL, CODISPOSAL SITE CLEANUP  
22      PROGRAM.   MARGE, WE APPRECIATE YOUR --

23                  MS. RICE:   MARGE ROUCH WILL MAKE THIS  
24      PRESENTATION.

25                  CHAIRMAN FRAZEE:   -- FORBEARANCE HERE.   I



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1       HOPE THIS WILL BE A BRIEF ITEM.

2               MS. ROUCH:  YES, IT WILL.  IF I HAD KNOWN  
3       WE WERE GOING TO BE SO LATE, I WOULD HAVE BROUGHT  
4       COOKIES.

5               THIS ITEM IS A PRESENTATION OF OUR  
6       UNIVERSE OF SITES THAT WE'RE LOOKING AT, AND I  
7       DISCUSSED IT, AND I REALLY THINK I'M HERE TO  
8       ANSWER ANY QUESTIONS IF YOU HAVE THEM OR GET ANY  
9       COMMENTS MORE SO THAN TO PRESENT THE LIST AGAIN.

10              MEMBER RELIS:  MR. CHAIR, I JUST WANTED  
11      TO THANK STAFF FOR PULLING ALL THIS TOGETHER  
12      FINALLY.  I THINK IT'S WHAT WE WANTED, AND I DON'T  
13      HAVE ANYTHING MORE TO SAY.  I THINK IT'S GREAT.

14              MEMBER PENNINGTON:  YES, I AGREE.  THIS  
15      GIVES US SOME IDEA OF WHAT WE'RE FACED WITH OUT  
16      THERE.

17              MS. ROUCH:  THERE ARE A LOT OF SITES TO  
18      BE LOOKED AT.

19              MS. RICE:  AND THE ITEM IS GOING TO THE  
20      FULL BOARD, SO IF YOU WANTED TO TAKE THE TIME  
THERE TO ASK ANY QUESTIONS, MARGE WILL BE THERE AS  
WELL.

              MEMBER RELIS:  I'D RATHER TAKE THE TIME  
THERE.

              MEMBER PENNINGTON:  IF ANYBODY WANTS TO





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SEE THESE SITES, TAKE THE TRAIN WITH ME BECAUSE WE  
GO BY A LOT OF THEM.

CHAIRMAN FRAZEE: OKAY. THE APPROPRIATE  
MOTION THEN WOULD BE TO APPROVE THE SITES AS  
RECOMMENDED AND MOVE IT ON TO THE BOARD.

MS. RICE: IT'S NOT A CONSIDERATION ITEM.

CHAIRMAN FRAZEE: THIS IS JUST THE  
INFORMATION.

MS. RICE: THE INFORMATION REQUESTED BY  
THE COMMITTEE SEVERAL MONTHS AGO.

CHAIRMAN FRAZEE: IT'S LATE IN THE DAY.  
OKAY. THEN THIS ITEM WILL JUST BE MOVED FORWARD  
TO THE -- OKAY.

IF THERE'S NOTHING ELSE, WE UNDER-  
STAND THAT ONE REQUEST TO SPEAK HAS BEEN SATISFIED  
AND AT LEAST LEFT, SO WE WILL --

MEMBER PENNINGTON: NOT SATISFIED, BUT  
THEY LEFT.

CHAIRMAN FRAZEE: WE WILL STAND  
ADJOURNED.

(END OF PROCEEDINGS AT 5:05 P.M.)



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